Diplomats and Diplomacy in the Roman World

Edited by

CLAUDE EILERS

MNEMOSYNE SUPPLEMENTS HISTORY AND ARCHAEOLOGY OF CLASSICAL ANTIQUITY

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LIST OF ABBREVIATIONS

AE	L'année épigraphique. (Paris, 1888–).
Aphrodisias and Rome	Reynolds, J.M. *Aphrodisias and Rome: Documents from the Excavation of the Theatre at Aphrodisias conducted by Professor Kenan T. Erim, together with some related texts* (Journal of Roman Studies monographs, no. 1: London, 1982).
BE	*Bulletin épigraphique* (Paris).
BGU	*Ägyptische Urkunden aus den Staatlichen Museen Berlin. Griechische Urkunden* (Berlin, 1895–1907).
CAH[2]	*The Cambridge Ancient History*, 2nd ed. (14 vols.; Cambridge, New York, 1970–2005)
CID	*Corpus des Inscriptions de Delphes* (Paris, 1977–).
CIG	*Corpus Inscriptionum Graecarum* (Berlin, 1828–1877)
CIL	*Corpus Inscriptionum Latinarum* (Berlin, 1863–).
CIRB	Struve, V.V. *Corpus Inscriptionum regni Bosporani* (Moscow and Leningrad, 1965).
Diz. Epigr.	de Ruggiero, E. *Dizionario epigrafico di antichità romana* (1886–).
FGrHist	Jacoby, F. *Fragmente der griechischen Historiker* (Leiden, 1923–).
FHG	Müller, C. *Fragmenta Historicorum Graecorum* (Paris, 1841–1870)
FIRA	Riccobono, S., et al., eds. *Fontes iuris romani antejustiniani* (2nd ed.; Florence, 1940–1943).
I. Cret.	Guarducci, M. *Inscriptiones Creticae* (Rome, 1935–1950).
I. Didyma	Rehm, Albert. *Didyma, ii: Die Inschriften* (Berlin, 1958).
I. Eph.	Wankel, H., et. al., eds. *Die Inschriften von Ephesos.* (Inschriften griechischer Städte aus Kleinasien, 11–17; Bonn, 1979–1984.)
IG	*Inscriptiones Graecae* (Berlin, 1903–).
IGLS	*Inscriptions grecques et latines de la Syrie* (Beirut and Paris, 1929–).
IGR	Cagnat, R. *Inscriptiones Graecae ad Res Romanas Pertinentes* (Paris, 1906–1927)
I. Lampsakos	Frisch, P. *Die Inschriften von Lampsakos* (Inschriften griechischer Städte aus Kleinasien, 6; Bonn, 1978).
IAM	Euzennat, M., and Marion, J. *Inscriptions antiques du Maroc, ii: Inscriptions latines* (Paris, 1982).
ILS	Dessau, H. *Inscriptiones Latinae Selectae* (Berlin, 1892–1916).

I. Magnesia am Mäander	Kern, O. *Die Inschriften von Magnesia am Mäander* (Berlin, 1900).
I. Nikaia	Şahin, S. *Katalog der antiken Inschriften des Museums von İznik (Nikaia)* (Inschriften griechischer Städte aus Kleinasien, 9–10; Bonn, 1979–1987).
IOSPE	Latyshev, B. *Inscriptiones Antiquae Orae Septentrionalis Ponti Euxini Graecae et Latinae* (St. Petersburg, 1885–1901).
IOSPE[2]	*Inscriptiones Antiquae Orae Septentrionalis Ponti Euxini Graecae et Latinae, i: Inscriptiones Tyriae, Olbiae, Chersonesi Tauricae* (2nd ed.; St. Petersburg, 1916).
I. Pergamon	Fränkel, M. *Die Inschriften von Pergamon* (Altertümer von Pergamon 8. 1–2; Berlin, 1890–1895).
I. Priene	Hiller von Gaertringen, F. *Inschriften von Priene* (Berlin, 1906).
ISE III	F. Canali De Rossi, *Iscrizioni Storiche Ellenistiche* III (Rome, 2002).
I. Sinope	French, D.H. *The inscriptions of Sinope.* (Inschriften griechischer Städte aus Kleinasien, 64; Bonn, 2004.)
I. Smyrna	Petzl, G. *Die Inschriften von Smyrna.* (Inschriften griechischer Städte aus Kleinasien, 23–24; Bonn, 1982.)
MAMA	Calder, W.M. *Monumenta Asiae Minoris Antiqua.* (Manchester, 1928–).
OGIS	Dittenberger, W. *Orientis Graeci Inscriptiones Selectae* (Leipzig, 1903–1905).
ORF[3]	Malcovati, E. *Oratorum romanorum fragmenta liberae rei publicae* (3rd ed.; Turin, 1967).
P. Dura	Welles, C.B., et al. *The Excavations at Dura-Europos, Final Report, v/1: The Parchments and Papyri* (New Haven, 1959)
PG	Migne, J.P. *Patrologiae cursus, series Graeca* (Paris, 1857–1866).
PIR[2]	Groag, E., Stein, A, et al. *Prosopographia Imperii Romani saeculi I, II, III* (2nd ed.; Berlin, 1933–).
PME	Devijver, H. *Prosopographia militiarum equestrium quae fuerunt ab Augusto ad Gallienum* (Leuven, 1976–2001).
P. Oxy	*Oxyrhynchus Papyri* (London, 1898–).
RDGE	Sherk, R.K. (ed.) *Roman Documents from the Greek East.* (Baltimore, 1969.)
Roman Statutes	Crawford, M.H. (ed.) *Roman Statutes* (Bulletin of the Institute of Classical Studies Supplement 64, London, 1996).
SB	Preisigke, F., et al., *Sammelbuch griechischen Urkunden aus Äegypten* (Berlin, 1915–).
SEG	*Supplementum epigraphicum Graecarum.* Leiden, 1923–1970; Amsterdam, 1976–.

Syll.[3]	Dittenberger, W. *Sylloge Inscriptionum Graecarum* (3rd ed.; Leipzig, 1915–1924).
TGF	Nauck, A. *Tragicorum Graecorum Fragmenta*, 2nd ed. 1889. Suppl. by B. Snell (1964).

INTRODUCTION

Claude Eilers

The term 'diplomacy' in our times mostly refers to the various means by which nations manage their relationships and communicate with one another, and within its sphere fall a host of international mechanisms and institutions to aid in matters of peace-making, cultural exchange, economics, trade, and war. Most of these institutions, of course, had no parallel in the Roman world, which had no permanent representatives or bureaus abroad to further its interests, either in order to promote these within foreign states or to give aid to its own citizens sojourning there. It had no department of foreign affairs or any public officials specializing in diplomacy. Nor did foreign states have permanent representatives in Rome, even though in many cases relations with Rome were fundamental to their on-going prospects.

Indeed, the modern understanding of diplomacy tends to assume that it is primarily a means for conducting relations between *sovereign* states. This is not an assumption shared with the ancient world, where the same institutions and the same terminology are used regardless of the respective statuses of the communities involved. So, many exchanges took place between Rome and its Italian allies (explored by Jehne below) and between Rome and various Greek states (some of which are discussed in the papers of Ager, Battistoni, and Ferrary) in the course of the Republic, and although the relations of these communities vis-a-vis Rome changed fundamentally over the centuries, the basic mechanisms of the exchanges remained the same in terms of procedure, ritual, and vocabulary. Thus *legati* (πρεσβευταί/πρέσβεις) conduct *legationes* (πρεσβεῖαι) to Rome (or elsewhere), where they approach a magistrate, who grants them access (*senatum dare*; σύγκλητον διδόναι); they are heard with varying degrees of interest or approval, and sent on their way sometimes with official gift to cover their expenses (*munus*; ξενία).

This will have been the process for the Rhodian ambassadors who came to Rome to congratulate the Romans for the victory over Philip or Antiochus,[1] or bring a gold crown in an attempt to placate Roman

[1] Liv. 45. 22; H.H. Schmitt, *Rom und Rhodos: Geschichte ihrer politischen Beziehungen*

anger following the war against Perseus,[2] or to renew their treaty following the Second Mithridatic War.[3] And if one surveys the roughly two dozen Rhodian embassies known down to the time of Augustus, handily collected in the monograph of Canali De Rossi,[4] we can see in them the important shifts that the world had gone through. Rome had become greater and Rhodes less so, and by the end of this period, embassies were being sent to Caesar and Augustus,[5] rather than to *Rome*. Notwithstanding these changes, however, the basic structures of communication and the terms for describing them remained unchanged.

All this took place in the almost complete absence of the various apparatuses of modern international relations.[6] This does not mean that the ancient phenomena associated with diplomats and diplomacy were unimportant. Far from it. In the absence of standing diplomatic institutions, the sending of *ad hoc* diplomats for specific purposes inevitably became more important, since without such missions, communications between Rome, its subjects, and neighbouring powers were all but impossible. Especially important in this regard were communications between Rome and its subjects, especially the cities that made up its economic, social, and administrative matrix. These cities, of course, had their own needs, and when it became necessary to express them to the Romans—whether to their provincial governor, the senate, or emperor—their requests could only be heard if some written commu-

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seit der ersten Berührung bis zum Aufgehen des Inselstaates im römischen Weltreich (Münchener Beiträge zur Papyrus forschung und antiken Rechtsgeschichte, 40; Munich, 1957) 70–71.

[2] Liv. 45. 25; Schmitt, *Rom und Rhodos*, 155–158.

[3] App. *Mithr.* 61. 250; Cic. *Brut.* 312, 316.

[4] F. Canali De Rossi, *Le ambascerie dal mondo Greco a Roma in età repubblicana* (Studi pubblicati dall'Istituto Italiano per la storia antica 63; Rome, 1997), nos. 191, 234, 235, 242, 256, 259, 261, 262, 264, 270, 272–275, 279, 280, 288, 326, 335, 352, 381, 427, 434, 435, 459.

[5] *IG* XII.1. 57 = *IGR* IV. 1119: [πο]τὶ Γάιο[ν] Ἰούλιον Γαίου υἱὸν Κ[α]ίσαρα αὐτο-[κρ]ά [τορα]; *SEG* 39. 752: [πο]τὶ αὐτοκράτορα Καίσαρα θεὸν θεοῦ [υ]ἱ[ὸ]ν Σεβαστὸν τετράκις (for which, see the commentary of A. Erskine, "Rhodes and Augustus", *ZPE* 88 (1991), 271–275).

[6] One Roman religious institution that crossed over into the sphere of diplomacy and foreign affairs were the fetial priests, who were involved in ceremonies surrounding declaration of war and the making of treaties. Dionys. Hal. 2. 72 and Livy 1. 24, 35 with R.M. Ogilvie, *A Commentary on Livy, Books 1–5* (Oxford, 1965), 110–111, 127–136; T. Wiedemann, "The *fetiales*: a Reconsideration", *CQ* 36 (1986), 484–490; and the article of Ager, below.

nication was delivered or some speech were made, or (as was often the case) both.[7]

All this increased the diplomat's importance, and the sight of the provincial diplomat seeking redress at Rome for some grievance or the expansion of some privilege was a concrete and visible illustration of Rome's power and the diversity of its empire. Both Seneca and Tacitus describe envoys as one element of Rome's foreign population that could be seen in the capital,[8] and their role was seen as fundamental enough the smooth operation of the empire that the timely reception of such embassies was the mark of a 'good' emperor.[9]

We also have evidence of these practices from the provincial side. Hundreds of ambassadors are known to us from epigraphical and literary sources. We know of diplomatic duties being fulfilled by many authors of provincial origin, including Polybius, Josephus, Philo, and Plutarch, to name but a few.[10] Diplomacy was such a typical part of the civic life of provincial cities that Plutarch included it, together with office-holding and legislative advocacy, among the services that prominent citizens were expected to provide their cities.[11] Indeed, surviving municipal charters carefully regulate how embassies could be imposed on local elites, a clear sign of how common such tasks must have been: the entire point of these rules is to guarantee as far as possible that the burdens associated with such embassies were shared fairly among the ruling classes of these cities.[12]

Some provincials took great pride in these services, or so we must assume given the praises that were heaped on them by their peers for the performance of such duties. In the decades after Asia was made a province, a certain Menippos led five embassies to Rome to defend Colophon's freedom and privileges within the new order; for this, his

[7] F. Millar, *The Emperor in the Roman World, 31 BC–AD 337* (Ithaca, N.Y., 1977 (1991)), 363–364.

[8] Sen. *Cons. ad Helv* 6. 2: 'legatio imposita', cf. Tac. *Ann.* 16. 5. 1.

[9] Plin. *Panegyr.* 79. 6–7, with Millar, *Emperor*, 375–376.

[10] Polyb. 24. 6; Jos. *Vita* 14–16; Philo, *Leg.*, passim; Plut. *Dem.* 2. 2, *Mor.* 275b–c, 602c, 805a, 816c–d, 1126e. For embassies to emperors undertaken by intellectuals, see G.W. Bowersock, *Greek Sophists in the Roman Empire* (Oxford 1969), 43–58.

[11] Plut. Mor. 796c–d: "But above all things, we must remind them that being a politician consists not only in holding office, being ambassador, vociferating in the assembly and ranting around the speakers' platform proposing laws and motions".

[12] On the rules, see especially Eck's paper, below.

city bestowed on him its highest honours.[13] A few decades later, Pergamum honoured Diodoros Pasparos with wreaths and statues, favored seating, and divine honours for his embassy to Rome that mitigated the harsh Sullan settlement in the aftermath of the First Mithridatic War.[14] A contemporary of his, Dionysodorus of Thasos, pled before Roman officials on behalf of cities such as Assos, Lampsacus, and Rhodes, all of which honoured him for his efforts.[15] In the following decades, a series of prominent citizens of Priene can be identified who intervened on their city's behalf with Roman authorities and were therefore honoured by their fellow citizens.[16] The decades of turmoil that accompanied the collapse of the Republic and the consolidation of power in the hands of Augustus saw a series of important Greeks who used their influence with Roman dynasts to the advantage of their cities: Mytilene profited greatly from the relationship of it citizen Theophanes with Pompey, and then Potamo with Julius Caesar and Augustus.[17] None of these men were 'typical': in times of crisis great men faced great challenges, won the gratitude of their peers and neighbours, and received appropriate honours.

Such honours were often the only way that cities could recognize what could be a demanding and dangerous task. The risks implicit in being an envoy are often emphasized in our sources,[18] alluding presumably to the dangers such as piracy or banditry or those presented by the hazards of ancient sea-faring. We know that Josephus was shipwrecked while on a mission to the Emperor (*Vita* 3. 14–16), and the deaths of ambassadors during the course of their duties are occasionally reported.[19] But there were sometimes dangers implicit in the very politics of their service. In 57 BC, a group of Alexandrine envoys had come

[13] *SEG* 39. 1244; on the chronology, see C. Eilers, *Roman Patrons of Greek Cities* (Oxford, 2002), 124–132.

[14] *IGR* IV. 292–294 with Brennan's article, below. For the chronology of C.P. Jones, "Diodoros Pasparos and the Nikephoria of Pergamon", *Chiron* 4 (1974), 183–205 and C.P. Jones, "Diodoros Pasparos Revisited", *Chiron* 30 (2000), 1–14.

[15] C. Dunant and J. Pouilloux, *Recherches sur l'histoire et les cultes de Thasos*, ii: *De 196 avant J.-C. jusqu'à la fin de l'Antiquité* (Études Thasiennes, 5; Paris, 1958), nos. 170–172.

[16] *I. Priene* 108 (Moschion), 109 (Herodes), 111 (Crates), 112–114 (Zosimus), 117 (Heracleius).

[17] For Theophanes, see esp. L. Robert, "Théophanes de Mytilène à Constantinople", *CRAI* (1969), 42–64; for Potamo, *PIR*² P 675; generally, G.W. Bowersock, *Augustus and Greek World* (Oxford, 1965), 3–13.

[18] As noted by Brennan in his paper, below.

[19] *CIL* VIII. 20758; Polyb. 30. 21. 1–2.

to urge the Romans against Ptolemy XII Auletes, who was there lobbying for restoration to the Egyptian throne. He arranged vicious attacks against them, and succeeded in killing many of them.[20] Similarly, at the outbreak of the First Mithridatic War, when Mithridates put a price on the head of Chaeremon of Nysa, it was for having 'always consorted with our most hated enemies',[21] a formulation that alludes not only to his pro-Roman sympathies, which are known from elsewhere, but also to his actions as a representative of his city before the Romans.

Diplomatic exchanges were fundamental, then, in the Roman world, and as such we are not surprised to find diplomatic efforts directly attested in all kinds of evidence. As was mentioned, reports of embassies are to be found in hundreds of inscriptions,[22] and these provide much material to incorporate into our understanding of these phenomena. Using this material to understand these processes is more complicated than it might seem, since choices about what to record permanently in inscriptions and what to leave in silence were neither random nor disinterested. Most of these inscriptions were erected by cities, and it is important to remember that they were decidedly reluctant, for obvious reasons, permanently to display any decisions that were unfavorable to them; favorable ones, by contrast, they wanted (literally) to have carved in stone.

There are other principles involved in what embassies might be recorded epigraphically. Embassies to emperors are, unsurprisingly, more likely to be recorded than those to provincial officials, although we can be certain that the latter were much more numerous. Inscriptions were reserved for the extra-ordinary; diplomatic chores related to regular administrative issues were not notable enough. The important point, of course, was whether any of this brought enough prestige on an individual or city that they would be motivated to record it permanently on stone or bronze. But here, too, there are complications. There were different epigraphical practices in different parts of the empire, as Eck points out in his paper. Imperial letters, for example, tended to be

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[20] Dio 39. 13–14; Cic. *Cael.* 23–24, 51–55; Strabo 796; R.G. Austin (ed.), *M. Tulli Ciceronis Pro M. Caelio oratio* (Oxford, 1962), 150–152.

[21] *Syll.*^{3} 741, ll. 19–21 = Welles, *Royal Letters* no. 73, ll. 4–6: δια[κείμε] | νος ἀπ᾽ ἀρχ[ῆ]ς τε τοῖς ἐχθίστοις πολεμίοι [συνή] | ει.

[22] T. Buettner-Wobst, *De legationibus reipublicae liberae temporibus Romam missis* (Diss. Leipzig University, 1876); Canali De Rossi, *Le ambascerie*; M. Bonnefond-Coudry, *Le sénat de la République romaine de la guerre d'Hannibal à Auguste* (Bibliothèque des écoles françaises d'Athènes et de Rome, 273; Rome, 1989), 294–320.

inscribed on stone in the east and on bronze in the west; more mundane matters sometimes were displayed on wood or other perishable material. The chances of survival of these materials differed greatly, with the result that the epigraphical evidence of diplomatic practices is both fragmentary and idiosyncratic.

If the epigraphic evidence is biased towards communicating successes, our literary evidence sometimes has different tendencies. A useful illustration of this is the Byzantine compilation, *de Legationibus* or περὶ πρεσβείας,[23] where successes as well as failures are found, and roughly in equal numbers, as Brennan shows below. Inevitably, of course, some of the anecdotes seem to have been chosen, and later excerpted, for their sensationalistic or scandalous nature: the discourteous or violent reception of ambassadors, or the stoning of some returning with bad news.[24] But the fact that embassies were chosen as a topic worthy of being collected is noteworthy—a valuable testimony of the topic's continuing importance from Greek, through Roman, and into Byzantine times. This was no doubt due to an ongoing interest, but that interest had a practical agenda: to give envoys-to-be diplomatic example to imitate.

In spite of the difficulties involved in developing a balanced picture of diplomacy and the role of diplomats in the Roman system, there is no doubt that it is an important phenomenon that bears attention in its own right. Its rhythms and rituals influenced the behaviour of rulers and ruled and provide us with interpretative contexts for their interactions. Indeed, understanding these mechanisms at times is a necessary prerequisite to understanding important historical moments. From its earliest days as a city-state, Rome was by necessity forced to engage with other powers. We know, for example, that in its infancy Rome negotiated a treaty with Carthage,[25] and behind this event we have to suppose an exchange of diplomats who traveled between the cities and negotiated the terms. There are long periods of Rome's relations with their Greek allies, subjects, and rivals in the third and second centuries that can only be considered while keeping a keen eye on diplomatic

[23] C. de Boor, T. Büttner-Wobst, and U.P. Boissevain (eds.), *Excerpta historica iussu Imp. Constantini Porphyrogeniti confecta* (Berlin, 1903).

[24] For these and other examples, see Brennan, below.

[25] Polyb. 3. 22. 4–13; T.J. Cornell, *The Beginnings of Rome: Italy and Rome from the Bronze Age to the Punic Wars (c. 1000–264 BC)* (Routledge History of the Ancient World; London and New York, 1995), 210–214; see now J. Serrati, "Neptune's Altars: The Treaties Between Rome and Carthage (509–226 B.C.)", *CQ* 66 (2006), 113–134.

issues, and key works for the period are forced to keep the diplomatic context in mind.[26] Failing to recognize the importance of diplomats and their role can lead to misunderstandings. A generation ago, as prominent a scholar as Magie had condemned as wasteful the honours for Diodoros Pasparos, a judgment based not only on a misunderstanding of the date, but also an insufficient appreciation of the *diplomatic* context[27]—that any relief from the disastrous outcome of the First Mithridatic War could only come from the Romans, that Roman good-will could only be gained through the skilled diplomacy, and that any citizen who succeeded in doing so had provided an inestimable service. Small wonder, then, that the citizens of Pergamum bestowed on him wreaths, statues, and even a temple built for his worship: extraordinary success in matters of the highest urgency merited extraordinary honours.

Understanding standard diplomatic protocol helps clarify other episodes, too. In his satire *Alexander the False Prophet*, Lucian reports the involvement of an embassy in delivering a sum of money between the kingdom of Bosporus and the Roman province of Bithynia, an exchange that has long caused some puzzlement: was this a Roman subsidy to Bosporus or Bosporan tribute to Rome? and were the Bosporan diplomats delivering the sum or collecting it? Opinions on these questions have differed, but as Haensch points out in his paper below, the diplomatic context requires that this is a delivery of Bosporan tribute to the Roman authority rather than the opposite.[28] This detail, once understood, has other implications, since when taken together with other evidence, it sheds light on the ways in which the Romans were able to make their presence felt in allied states on the periphery of their empire.

As was noted, a failure to consider the diplomatic context can sometimes lead to misunderstandings. So, too, a failure to notice this phenomenon when it is absent or under-represented in our evidence. Such seems to be the case with Rome's Italian allies, whose relations form

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[26] cf. E. Täubler, *Imperium romanum: Studien zur Entwicklungsgeschichte des römischen Reichs* (Leipzig, 1913); E. Badian, *Foreign Clientelae (264–70 BC)* (1958); W. Dahlheim, *Struktur und Entwicklung des römischen Völkerrechts im dritten und zweiten Jahrhundert v. Chr*. (Vestigia, 8; Munich, 1968); E.S. Gruen, *The Hellenistic World and the Coming of Rome* (Berkeley, 1984), 13–31.

[27] D. Magie, *Roman Rule in Asia Minor to the End of the Third Century after Christ* (Princeton, 1950), i. 162.

[28] Lucian, *Alex*. 57 with Haensch, below.

a central theme of the history of the Late Republic. As Rome's attention focused increasingly overseas, Italians were left somewhat in the shadows. The tensions that arose between Rome and the Italians in the course of the second century, which culminated in the Social War, was in part a diplomatic failure. As Jehne demonstrates below, Rome became increasingly perfunctory in its treatment of its allies, and the allies, whose on-going experiences left them no confidence in Roman justice, did not appeal to it. The lack of evidence for diplomatic exchanges between Rome and the Italians, then, is itself evidence of a problem.

The problem is that our understanding of diplomacy and its constituent elements is surprisingly deficient. There has been a long-running scholarly debate, for example, about Roman attitudes towards allowing a third-party to mediate between them and their enemies. Ager demonstrates that much of this debate is based on a failure to be clear about diplomatic terms: mediation as a diplomatic phenomenon must be distinguished from what modern international law describes as 'good offices', where a third party encourages disputing states to find some agreement but does not take an active role in facilitating compromise, or Ager's own category of 'apologetic deprecation', where a third party entreats (*deprecari*) the Romans to settle, while recognizing the rightness of their cause. Adding this subtlety to our categorization of diplomatic exchanges leads to the conclusion that the Romans were open to good offices and deprecation, but not mediation proper.

Naturally enough, then, understanding some of the basic patterns and rhythms of diplomacy can often illuminate what might otherwise be obscure. When, for example, ambassadors of the Jewish high-priest delivered documents to the governor of Asia, who then instructed Laodicea to respect Jewish ancestral practices,[29] it is useful to remember that it was standard practice for the Roman senate to have its decisions delivered to the interested parties by ambassadors who happened to be in Rome—often the very ambassadors whose appeal to Rome had led to the decision that they were delivering, as is amply shown in Ferrary's discussion of the role of envoys in the communication and implementation of senatorial decisions. In the case of this Jewish embassy, then, it is more likely that they are coming from Rome, bringing a decision

[29] Jos. *AJ* 14. 241–242, with Rives, below, and C. Eilers, "Josephus' Caesarian Acta: A History of a Dossier", *Society of Biblical Literature, 139th Annual Meeting* (Society of Biblical Literature Seminar Paper Series 42; Atlanta, 2003), 194–200.

that they had won there rather than (as is sometimes supposed) bringing documents from some archive kept in Jerusalem.[30] Similarly, when we read in the *lex de provinciis praetoriis* that the consul is to send letters to affected cities and kingdoms to inform them of coming Roman action, and that these letters that were to be delivered by Rhodian envoys,[31] the probable implication, as Ferrary points out, is that it had been the Rhodians who had brought to Rome's attention the growing problems in the East.

This is, of course, an important point. Rome's knowledge of what was going on was by necessity imperfect, and well-timed complaints could shape both what Rome knew and how it reacted. In the 180s, the kings of Bithynia and Pergamum were locked into a bitter conflict that included sending diplomats to Rome to accuse one another.[32] In the lead up to the Third Macedonian War, allied complaints about Perseus were sent through embassies,[33] and Eumenes, the king of Pergamum, personally led his own delegation.[34] Rome could, of course, dispatch its own legates to investigate, as they did in this case.[35] But there was a very real degree to which Rome was dependent on the information that these foreign embassies brought. A famous decree of Abdera, for example, honours two Tean envoys who went to Rome to plead on Abdera's behalf after the Thracian king Cotys had laid claim to their ancestral lands. Cotys, we are told, was represented there by his son.[36] In the end we are not told which side the Roman senate favoured, but it seems inevitable that most of the information on which they based their decision came from one side or the other.

The *lex de provinciis praetoriis*, as noted, used Rhodian ambassadors to communicate its content throughout the east. The *lex* is also interesting in other ways. Dating from about 100 BC, it has long been recognized as a piece of *popularis* legislation,[37] and as such it illustrates one of

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[30] so M. Pucci Ben Zeev, *Jewish Rights in the Roman World: The Greek and Roman Documents Quoted by Josephus Flavius* (Texts and Studies in Ancient Judaism 74; Tübingen, 1998), 198.

[31] *Roman Statutes*, no. 12, Cnidos iii, 28–41, Delphi B, 12–13.

[32] Polyb. 23. 9, 24. 1, 5, 14–15, 25. 6; Liv. 40.2, 20, 41. 19.

[33] The Dardanians also complained about Perseus through embassies: Polyb. 25. 6; Liv. 41. 19. 3–6.

[34] Liv. 42. 11–13; App. *Mac.* 11.1–3; Gruen, *Hellenistic World and the Coming of Rome*, 91–93.

[35] Gruen, *Hellenistic World and the Coming of Rome*, 126–129.

[36] *Syll.*[3] 656 with Eilers, *Roman Patrons of Greek Cities*, 114–119, 238–239.

[37] Esp. M. Hassall, M.H. Crawford, and J.M. Reynolds, "Rome and the Eastern

the chief tensions of the late Republic: the question of how great a role the people should play in foreign policy, and the degree to which *popularis* legislation was used to infringe on what the senate had come to regard as its traditional sphere. Now, as Yakobson points out below, the idea that the senate had exclusive control in such matters is often overstated, but the fact that the senate was the only place where foreign diplomats could be formally received and heard no doubt guaranteed its dominance in such questions during the Republic. It is therefore all the more striking to see that the *populus* was generally well-informed on questions of foreign policy, as Yakobson shows. Precisely how they won this knowledge is less clear: it was standard procedure that *contiones* be held following meetings of the senate to communicate what had just been discussed,[38] and some of the public's knowledge of foreign affairs presumably derives from such meetings. It is important to remember, however, that senators could be approached outside of formal meetings of the senate. In the Abderite decree, the two Teans who had pleaded Abdera's case are praised not only for having made their case before 'leading Romans', but also for having approached senators individually at home to win their support.[39] The same practice presumably lies behind the famous accusation of Pompeius, a neighbour of Tiberius Gracchus, that he had seen a Pergamene ambassador offering Tiberius the diadem of Attalus III, whose death and bequest he had come to announce.

It is not merely the case that interesting things can be said about Roman diplomacy—its patterns and rhythms, its strengths and shortcomings as a system—or that the Roman diplomatic context can be invoked to explain what happened and why. Diplomacy can also shed light on a wide variety of historical and cultural trends. It was Fergus Millar especially who taught us to see the Roman empire as a dialogue: not a series of rulings coming from the center, but an exchange of petition and response in which questions of privilege, status, and resource-distribution were decided.[40] This description is no mere metaphor, since

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Provinces at the End of the Second Century B.C." *JRS* 64 (1974), 218–219; J.-L. Ferrary, "Recherches sur la législation de Saturninus et de Glaucia, I", *Mélanges de l'École française de Rome Antiquité* 89 (1977), 211–225; *Roman Statutes*, 235–237.

[38] R. Morstein-Marx, *Mass Oratory and Political Power in the Late Roman Republic* (Cambridge, 2004), 246–249.

[39] *Syll.*[3] 656.

[40] Concisely at F. Millar, "Empire and City, Augustus to Julian: Obligations, Excuses and Status", *JRS* 73 (1983), 79–80; generally, Millar, *Emperor*; cf. its use by T. Hauken,

many dialogues were carried out between representatives of the Roman power and those of its allies, subjects, and rivals. Because exchanges of diplomats are so fundamental to the process, they can often serve as proxies of other phenomena. To choose the most obvious example, the growing tendency of cities to send embassies to the Emperor rather than to the senate signals the acceptance of monarchical ideology.[41] This change is perfectly illustrated by an episode in AD 22, when embassies approached Tiberius concerning the asylum rights of temples.[42] Tiberius, we were told, referred the embassies to the senate. The scene appealed to Tacitus' nostalgic sensibilities, and he emphatically approved of the senate's re-established role in such matters: weighing the rights of provincial temples, ratifying some, and altering others. It is clear, however, that the cities would have preferred to deal with the emperor: they had first approached him as the best locus to get a favorable decision. And this scene that so pleased Tacitus apparently made no impression in the provinces: a contemporary inscription from Didyma refers to its embassy on this occasion, but mentions only the emperor, ignoring the senate completely.[43]

The tension implicit in this episode plays itself out elsewhere, too. On the one hand, the embassies themselves were a significant recognition of authority and notable mark of honour. Thus it is only natural that Augustus in his *Res Gestae* expressed obvious pride in the embassies sent to him from far and wide. There was, however, a vestigial sense, left over from Republican times, that the senate should be involved, as we can see in Tiberius' gesture in AD 22 and Tacitus' reaction to it. We can see the same idea a couple of decades later in Nero's accession speech, where he promised that the senate would regain its traditional role in these matters.[44] The dissonance implicit between one emperor's pride in the foreign embassies that he had received and the promise of another that the senate should receive them exposes one of the central tensions of the period.

Petition and Response: an Epigraphic Study of Petitions to Roman Emperors (Monographs from the Norwegian Institute at Athens, 2; Bergen, 1998).

41 Millar, *Emperor*, 341–351, 375–463, passim; cf. R.J.A. Talbert, *The Senate of Imperial Rome* (Princeton, N.J., 1984), 411–425, cf. F. Millar, "Triumvirate and Principate", *JRS* 63 (1973), 59–61 on triumviral period.

42 Tac. *Ann.* 3. 60–63.

43 *OGIS* 472 = *I. Didyma* 107, ll. 9–13.

44 *Res Gestae* 26, 31–33; Tac. *Ann.* 13. 4.

Approaching diplomacy from this angle—asking what Roman diplomatic practices can tell us about the Romans themselves—can yield some valuable observations. Diplomatic exchanges had originally been a form of communication between sovereign states, and originally Rome's diplomatic partners were independent states. As the Roman state expanded, however, it also began receive delegations not only from the subjects and allies that were external to it, but its own citizens, too—its *coloniae*, for example. The same institutions and practices were used for internal and external relations. Indeed, they were more commonly internal than external. This itself is a significant fact that gives us a glimpse of how the Romans viewed their empire. Indeed, the fact that the institutions overlapped helped facilitate the incorporation of outsiders into the Roman system and helped create rhetorical approaches for constituent groups. Rives, for example, explores the background of the notion in some Christian apologetics that Christians were a 'people'. He notes that the Jews were treated as a single body capable of being represented diplomatically by the single voice of the highpriest in Jerusalem, even at times when the high-priest lay outside the empire and the Jewish communities that he was representing were within. Diplomatic patterns, then, can provide for us a useful proxy for group identity. As various Christian thinkers began to explore ways of conceiving of the Christian community, the language of nationhood and ethnic identity were exploited and naturally enough the standard forms of diplomatic activity followed.

The importance of envoys and their roles within the Roman system are easily explained. Practical questions of distance and time, combined with the primitiveness of communication technologies, imposed certain constraints on communication. The only alternative to sending envoys was the epistle, and that had certain obvious disadvantages: a lack of tactical flexibility, for example, since a message could not be re-crafted in response to unforeseen exigencies. Epistles also lacked the personal touch, and this was important, as an episode from the reign of Antoninus Pius illustrates. The famous orator Polemo was to plead concerning the temple rights of his home-city Smyrna, but his appearance was prevented by his death. His fellow ambassadors performed poorly before the emperor, who asked whether Polemo had prepared a speech. After it had been discovered and delivered, Antoninus Pius ruled in favour of Smyrna.[45]

[45] Philostratus *VS* 540, with Bowersock, *Greek Sophists*, 45.

The sending and receiving of embassies also corresponded well with Roman social realities. Over the centuries during which Rome had evolved from a small city-state into a world empire, diplomatic formalities had been dominated by the senate, which was a relatively small and honour-driven body. It had a sense of its own collective importance, rights, and responsibilities. For senators, personal contact was important. The senate had always made its decisions together, in person, and face-to-face interaction was central to their social and political life. In the morning *salutatio*, for example, a Roman senator would receive visitors to his home to transact business, express support, or seek aid.[46] Among them, on occasion, were envoys of client-communities,[47] whose communication with their Roman patrons acted in parallel to their communications with the Roman state. The fact that Rome's growth as an empire brought it into contact with cities that had similar traditions no doubt re-enforced such tendencies, as did the fact that those who were being sent to it were as often-as not the elites of the sending states, the rough equivalents of the senators. It was only natural, then, that its encounters with other states were also face-to-face. Consequently diplomatic processes were not, as in the modern world, exclusively a venue for engagement between formally independent foreign powers. They were also the most important mechanism for internal communication between all actors: personal, corporate, civic, provincial, and imperial. The effect of all this was to create and reinforce a diplomatic habit, which coalesced into a self-sustaining system of communication.

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[46] L. Friedlaender, *Roman Life and Manners under the Early Empire* (London and New York, 1908), i. 195–196; R.P. Saller, *Personal Patronage under the Early Empire* (Cambridge and New York, 1982), 61–62, 128–129; H. Flower, *Ancestor Masks and Aristocratic Power in Roman Culture* (Oxford, 1996), 217–220.

[47] E.g., *Syll.*^{3} 656 with Eilers, *Roman Patrons of Greek Cities*, 114–119, 238–239; J.M. Reynolds and K.T. Erim, *Aphrodisias and Rome: Documents from the Excavation of the Theatre at Aphrodisias conducted by Professor Kenan T. Erim, together with some related texts* (Journal of Roman Studies monographs, no 1; London, 1982), doc. 3.

ROMAN PERSPECTIVES ON GREEK DIPLOMACY

Sheila L. Ager

The conceptual clash: Greek diplomacy of compromise and Roman iustum bellum

The world of diplomacy, ancient or modern, is one that is naturally prone to the problems of culture clash. International diplomacy is the meeting-place of disparate cultures, and not infrequently serves as a sort of unarmed battleground of cultural concepts. Honest misunderstandings lead to sincere mutual bafflement. But diplomacy is also a field of manipulation, of perception, and of posturing. The genuine clash of cultures also provides ample opportunities for *choosing* to misunderstand: for choosing to regard a remark or action as an insult when no insult was intended, or for choosing to disregard the clearest deliberate affront, all according to the expediency of the moment. Greek and Roman diplomatic conflicts should not be seen as all purely of one type or the other: either genuine misunderstandings or cynical exploitations of cultural differences. Both responses no doubt played a role in the history of the interaction of the two peoples, and it is not always easy or possible to say whether a particular instance of diplomatic friction between Greeks and Romans constituted one or the other (or both at once). One of the most inauspicious diplomatic moments in Hellenistic history was the ill-fated Rhodian attempt to mediate a peaceful solution to the 3rd Macedonian War. So far apart (apparently) were Roman and Rhodian expectations and understandings of the behaviour appropriate to the occasion, and so obscure and contradictory are our sources, that when scholars contemplate the chilling Roman response to the Rhodian offer, they are able to interpret that response either as honest outrage or as a false front, a facade of insulted anger that served as a pretext for punishing Rhodes on other grounds.[1]

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[1] E.S. Gruen, "Rome and Rhodes in the Second Century BC: a Historiographical Inquiry", *CQ* 25 (1975), 58–81; A.C. Scafuro, "Prusias II of Bithynia and Third Party Arbitration", *Historia* 36 (1987), 28–37; A.M. Eckstein, "Rome, the War with Perseus,

By the time of the Rhodian debacle in 168, the Greek world had a long history of the diplomacy of compromise and of third party intervention in disputes.[2] There is little need to summarize that history here, as it is a well-documented one, and may be taken for granted. In this context, it suffices simply to draw attention to the centuries of experience the Greeks had with the techniques of arbitration, mediation, and facilitated negotiation. By the Hellenistic period, this experience had culminated in sophisticated methodologies that one would like to think demonstrate a touching faith in the superior efficacy of diplomacy rather than war as a means to settling international conflict. In reality, of course, the Greeks very often failed to live up to their own model, rejecting offers of mediation or refusing to abide by the judgement of an arbitrator.[3]

As for the Romans, on the other hand, while they were not entirely unacquainted with the notion of adjudicated settlement of disputes, it is safe to say that the idea of third party settlement of international conflict was not something they truly had any familiarity with until they encountered it amongst the Greeks.[4] The Romans had their own take on international relations, and their own set of well-developed concepts

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and Third Party Mediation", *Historia* (1988), 414–444; S.L. Ager, "Rhodes: the Rise and Fall of a Neutral Diplomat", *Historia* 40 (1991), 10–41; V. Gabrielsen, "Rhodes and Rome after the Third Macedonian War", in P. Bilde et al. (eds.), *Centre and Periphery in the Hellenistic World* (Aarhus, 1993), 132–161.

[2] See L. Piccirilli, *Gli arbitrati interstatali greci, i: dalle origini al 338 a.C.* (Pisa, 1973); A.J. Marshall, "The Survival and Development of International Jurisdiction in the Greek World under Roman Rule", *ANRW* ii/13 (1980), 626–662; E.S. Gruen, *The Hellenistic World and the Coming of Rome*, 2 vols. (Berkeley, 1984), 96–131; S.L. Ager, *Interstate Arbitrations in the Greek World, 337–90 BC* (Berkeley, Los Angeles, London, 1996); A. Magnetto, *Gli arbitrati interstatali greci, ii: dal 337 al 196 a.C.* (Pisa, 1997).

[3] The estimation of the efficacy of Greek third party diplomacy varies widely: for relatively optimistic assessments, see V. Alonso, "War, Peace, and International Law in Ancient Greece", in K.A. Raaflaub (ed.), *War and Peace in the Ancient World* (Blackwell; Oxford, Malden, Victoria, 2007), 206–225 (too optimistic); R. Billows, "International Relations", in P. Sabin et al. (eds.), *The Cambridge History of Greek and Roman Warfare I: Greece, the Hellenistic World and the Rise of Rome* (Cambridge, 2007), 307; A. Chaniotis, *War in the Hellenistic World* (Blackwell; Oxford, Malden, Victoria, 2005), 185. For less sanguine views, see C. Champion, "Empire by Invitation: Greek Political Strategies and Roman Imperial Interventions in the Second Century BCE", *TAPhA* 137 (2007), 267; A.M. Eckstein, *Mediterranean Anarchy, Interstate War, and the Rise of Rome* (Berkeley, Los Angeles, London, 2006), 79–80.

[4] See E. De Ruggiero, *L'arbitrato pubblico in relazione col privato presso i Romani* (Rome, 1893); and cf. C. Auliard, *La diplomatie romaine: l'autre instrument de la conquête. De la fondation à la fin des guerres samnites (753–290 av. J.-C.)* (Rennes, 2006), 161–162 on the paucity of evidence for Roman involvement in cases of third party diplomacy until Rome became

that applied to them. *Fides*, *amicitia*, *clientela* are but a few of them, and these concepts coloured the Roman response to relations with the Greek world, and at times perhaps blinded both Romans and Greeks to understanding one another (such blindness may often have been selective).[5] I would like to suggest that the one Roman concept that most significantly clashed with Greek attitudes towards the diplomacy of compromise, was that of the *ius fetiale* and *iustum bellum*.[6]

Ius fetiale *and* iustum bellum

This is not the forum in which to examine all the lengthy controversies surrounding the *ius fetiale*, or the Roman notion of the 'just war'. Nevertheless, a few preliminary remarks on the matter seem necessary, since these concepts—or rather, the underlying philosophy—are vital to understanding how the Romans viewed Greek efforts at third party diplomacy. To begin with, we must acknowledge that the sources on the *ius fetiale* and fetial procedure, which were allegedly beliefs and practices of great antiquity, are all late and archaizing, and no doubt do not represent the highest standards of accuracy.[7] We must furthermore con-

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engaged in the Greek east; on one of those few cases (Tarentum during the Samnite Wars) see below.

[5] Gruen, *Hellenistic World and the Coming of Rome* (particularly volume 1) devotes considerable attention to analysing concepts such as *amicitia* and *clientela* with a view to demonstrating that Greek and Roman views were not so very different after all (see also E.S. Gruen, "Greek ΠΙΣΤΙΣ and Roman *fides*", *Athenaeum* 60 (1982), 50–68). It cannot be denied that certain basic patterns of human thought and behaviour (such as expectations of gratitude where favours have been bestowed) are indeed universal; the conceptualizing of such patterns, however, can differ somewhat or significantly from culture to culture, and it is demonstrable that there were indeed occasions on which Romans had (for example) a very different expectation of gratitude than the Greeks did. See A. Giovannini, "Review-discussion: Roman Eastern Policy in the Late Republic", *AJAH* 9 (1984), 33–42; Billows, "International Relations", 319–320.

[6] See J.-L. Ferrary, "*Ius fetiale* et diplomatie", in E. Frézouls and A. Jacquemin (eds.), *Les relations internationales* (Paris, 1995), 430–432, who also makes a connection between *ius fetiale* and Roman antagonism to mediation; see also K.-E. Petzold, "Griechischer Einfluß auf die Anfänge römischer Ostpolitik", *Historia* 41 (1992), 213; A. Giovannini, "Review of A. Watson, *International Law in Archaic Rome*", *Gnomon* 72 (2000), 45–48.

[7] The most significant ancient texts on the fetials are Livy 1.24 and 1.32; Dion. Hal. 2.72. See also Aul. Gell. 16.4, 1; Plut. *Num.* 12. On the fetials and *ius fetiale*, including discussion of source issues, see (*int. al.*) C. Phillipson, *The International Law and Custom of Ancient Greece and Rome* (London, 1911), ii. ch. 26; H. Hausmaninger, " "Bellum iustum" und "iusta causa belli" im älteren römischen Recht", *Österreichische Zeitschrift für offentliches Recht* 11 (1961), 337–341; R.M. Ogilvie, *A Commentary on Livy, Books 1–5*, 110–

cede that, whatever the early fetial procedures of Rome and other Latin peoples were, by the time the Romans became involved in the Hellenistic Greek world, those procedures had been considerably modified, if not dropped altogether.[8]

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112 (on Livy 1.24) and 127–136 (Livy 1.32); W. Dahlheim, *Struktur und Entwicklung des römischen Völkerrechts im dritten und zweiten Jahrhundert v. Chr.* (Vestigia, 8; Munich, 1968), 171–180; K.-H. Ziegler, "Das Völkerrecht der römischen Republik", *ANRW* ii/1 (1972), 99–106; J.W. Rich, *Declaring War in the Roman Republic* (Brussels, 1976); W.V. Harris, *War and Imperialism in Republican Rome, 327–70 BC* (Oxford, 1979; reprint, with revisions 1985; 1991), 166–175; S. Albert, *Bellum iustum: Die Theorie des 'gerechten Krieges' und ihre praktische Bedeutung für die auswärtigen Auseinandersetzungen Roms in republikanischer Zeit* (Kallmünz, 1980), 12–16; C. Saulnier, "Le rôle des prêtres fétiaux et l'application du "ius fetiale" à Rome", *RHDFE* 58 (1980), 171–199; T. Wiedemann, "The *Fetiales*: a Reconsideration", *CQ* 36 (1986), 478–490; R.J. Penella, "War, Peace, and the *ius fetiale* in Livy 1", *CPh* 82 (1987), 233–237; J.A. North, "Religion in Republican Rome", in *CAH*[2] vii/2. 587–588, 599–600; J. Rüpke, *Domi militiae: die religiöse Konstruktion des Krieges in Rom* (Stuttgart, 1990), 97–117; A. Watson, *International Law in Archaic Rome* (Baltimore and London, 1993); Ferrary, "*Ius fetiale* et diplomatie", 411–432; D. Dawson, *The Origins of Western Warfare: Militarism and Morality in the Ancient World* (Boulder, 1996), 114–115; S. Albert, "De vetere iure Romano, de lege duodecim tabularum atque de iure fetiali", *Vox Latina* 34 (1998); A. Giovannini, "Le droit fécial et la déclaration de guerre de Rome: Carthage en 218 avant J.-C." *Athenaeum* 78 (2000), 86–102; D.J. Bederman, *International Law in Antiquity* (Cambridge, 2001), 76–79, 231–241; A. Zack, *Studien zum "römischen Völkerrecht": Kriegserklärung, Kriegsbeschluss, Beeidung und Ratifikation zwischenstaatlicher Verträge, internationale Freundschaft und Feindschaft während der römischen Republik bis zum Beginn des Prinzipats* (Göttingen, 2001), 13–73, 243–262; M. Sordi, "Bellum iustum ac pium", in M. Sordi (ed.), *Guerra e diritto nel mondo greco e romano* (Milan, 2002), 3–11.

[8] On the changes in fetial procedure which appear to have taken place by the end of the 3rd century, in the midst of Rome's increasing overseas commitments: A.H. McDonald and F.W. Walbank, "The Origins of the Second Macedonian War", *JRS* 27 (1937), 180–207 and F.W. Walbank, "Roman Declaration of War in the Third and Second Centuries", *CPh* 44 (1949), 15–19 (arguing for a "modified fetial procedure", one which saw senatorial *legati* replace fetial priests, and which saw those *legati* go out armed with a "conditional declaration of war", should the contemporary version of the *rerum repetitio* go unsatisfied); Ogilvie, *A Commentary on Livy, Books 1–5*, 128; Dahlheim, *Struktur und Entwicklung*, 174–178; Harris, *War and Imperialism*, 267–268 (who places the change as early as 280); V.M. Warrior, *The Initiation of the Second Macedonian War* (Stuttgart 1996), 16–18, 50–52, 64–67.

Rich argues against Walbank, asserting that there was no standard procedure for carrying out anything like a *rerum repetitio*, and nothing that can "plausibly be regarded as having evolved from fetial procedure" (Rich, *Declaring War*, 56–57), and that Rome did not "regularly observe the requirement" to declare war formally in some fashion or other, though he does acknowledge that almost always some kind of embassy went out to present complaints, in a fashion that could be loosely regarded as demanding satisfaction (*res repetere*; 105); also Wiedemann, "The *Fetiales*: a Reconsideration", 480; Ferrary, "*Ius fetiale* et diplomatie", 422–424. See also E. Badian, "Hegemony and Independence: Prolegomena to a Study of the Relations of Rome and the Hellenistic States in the Second Century BC", in J. Harmatta (ed.), *Actes du viie congrés de la FIEC,*

It is common to connect the *ius fetiale* with the concept of *iustum bellum*, not least because the Romans themselves clearly did so,[9] but here too the following points should be made. We have no evidence of a developed, formalized philosophy of 'just war' until the 1st century BC and writers such as Cicero, working under the influence of Stoicism.[10] Moreover, there is ongoing debate over whether even Cicero himself understood a just war as a conflict which rested on a just cause, or whether he believed it was sufficient merely to carry out the appropriate legalistic rituals in order to be conducting a just war.[11] And finally,

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Budapest (1983), 407: "It is doubtful whether, in view of the gods' obvious continuing favour for Roman arms, the Romans [by about 200 BC] felt bound to deliver anything like what we should regard as a proper declaration of war to an enemy government." Cf. Watson, *International Law in Archaic Rome*, 69, who comments (in a different context) that the constant Roman victories in war would have validated their sense that their wars were just and the gods ruled in their favour. Against the view espoused by McDonald and Walbank, "The Origins of the Second Macedonian War", 180–207 (that there was a "modified fetial procedure"), and the view held by those who argue that the fetial procedure had been pretty much dropped altogether, see Giovannini, "Le droit fécial", 87–89, who argues that there was an actual legitimate *rerum repetitio* at the beginning of the 2nd Macedonian War, delivered at the end of *203*.

[9] Livy 1.32, 12; 42.47, 8; Cicero *De Off.* 1.11, 36; 3.30, 107–108; *De Re Pub.* 2.17; 3.23; Dion. Hal. 2.72, 4.

[10] Cicero is generally cited as the chief representative, but his remarks are in fact rather thin, and at times ambiguous (see the citations in the previous note). Livy of course speaks constantly of *iustum piumque bellum*, *e.g.* 1.32, 12; 3.2, 4–5; 5.51, 10; 6.29, 2; 9.1, 7; 21.10, 8; 21.40, 10; 26.8, 5; 28.44, 6; 30.16, 9; 30.42, 20; 31.9, 5; 42.47, 8.

On formal notions of *iustum bellum* and an ethical basis of *ius fetiale* not appearing until the 1st century: Dahlheim, *Struktur und Entwicklung*, 179–180; Harris, *War and Imperialism*, 173–174; Saulnier, "Le rôle des prêtres fétiaux", 171–199 (who holds the extreme view that the fetials were not organized into a stable college until the end of the republic; against this, see Ferrary, "*Ius fetiale* et diplomatie", 411–431); Albert, *Bellum iustum*, 20–36; K.-H. Ziegler, "Kriegsverträge im antiken römischen Recht", *ZSS* 102 (1985), 59; Rüpke, *Domi militiae*, 117–122; Dawson, *Origins of Western Warfare*, 123–125.

[11] The phrasing of *De Off.* 1.11, 36 creates a problem (*ex quo intellegi potest nullum bellum esse iustum, nisi quod aut rebus repetitis geratur aut denuntiatum ante sit et indictum*), since it appears that Cicero feels fulfilment of only part of the fetial procedure (*aut…aut*) still qualifies a conflict as just. Moreover, in this passage he says nothing as to just *cause* (cf. *De Re Pub.* 2.17); elsewhere, however, he does refer to wars being unlawful if they are undertaken without cause (*sine causa*, *De Re Pub.* 3.23).

Albert, *Bellum iustum*, 17–20 argues that *ius fetiale* and *iustae causae* were both required to make a war just; L. Loreto, *Il bellum iustum e i suoi equivoci: Cicerone ed una componente della rappresentazione romana del Völkerrecht antico* (Storia politica costituzionale e militare del mondo antico, 1; Napoli, 2001) argues that Cicero believed that a war was just if it was managed in accordance with fetial law, and that real just causes were immaterial (cf. also W. Harris's review of Albert, *Bellum iustum* [*Gnomon* 54 (1982) pp. 703–705], and Harris, *War and Imperialism*, 169). This seems to go too far, but it is significant that the point can be argued and that Cicero's text allows the point to be argued (on Cicero,

since we have brought up the notion of a just cause, this raises the question of what Cicero—or any Roman—would have considered a *iusta causa* to be. For Cicero, it may simply have meant no more than having *a* cause, as opposed to going to war rabidly, like a wild animal.[12]

All that said, the case can certainly be made that the concept both of formal and actual 'right' in war was well embedded in earlier Roman culture.[13] The notion of having justice on one's side in battle did not spring fully-formed—and in martial dress—from the head of Cicero. Just causes aside (at least for the moment), the early Romans (and other Latin peoples) seem to have believed that a fundamental underpinning

note Rich's comments: "As often, Cicero is credited with having formulated a theory of the just war—surely an excessive claim for his rather rambling remarks on this subject" [review of Albert 1980, *JRS* 72 (1982) 181]). On Fabius Pictor as evidence that even as early as the middle republic, the Romans saw the need of something more than mere formalism to create a *iustum bellum*, see Harris, *War and Imperialism*, 171–172; see also Ferrary, "*Ius fetiale* et diplomatie", 430 (on the debate over war with Carthage in 151, Livy *per*. 48).

Polybios comments occasionally on the distinction between the real reasons the Romans chose to fight a war, and the pretexts which they put forward as more acceptable (32.13, 8–9; 36.2; *fr* 99 B-W, on which see P.S. Derow, "Polybius, Rome, and the East", *JRS* (1979), 1–15).

[12] *De Off.* 1.11, 34–35; *De Re Pub*. 3.23: *illa iniusta bella sunt quae sunt sine causa suscepta.* Just war was certainly not "defensive" war, unless we see Roman defensive war as encompassing defence not only of self, but also of friends (or anyone the Romans might choose to define as friends), and defence not just against injury but against insult, and not just against current injury, but potential injury (E. Badian, *Foreign Clientelae (264–70 BC)* (Oxford 1958), 68; H. Drexler, "Iustum bellum", *Rheinisches Museum* 102 (1959), 97–140; Hausmaninger, "'Bellum iustum'", 335–345; Harris, *War and Imperialism*, 34–35; Badian, "Hegemony and Independence", 408; A.N. Sherwin-White, *Roman Foreign Policy in the East, 168 BC to AD 1* (London, 1984), 11; T.J. Cornell, "The Formation of the Historical Tradition of Early Rome", in I.S. Moxon (ed.), *Past Perspectives: Studies in Greek and Roman Historical Writing* (Cambridge, 1986), 76–77; T.J. Cornell, "Rome and Latium to 390 BC", in *CAH*² vii/2. 371–384; P.A. Brunt, "Laus imperii", *Roman Imperial Themes* (Oxford, 1990; reprint, from P. Garnsey and C. Whittaker (eds.), *Imperialism in the Ancient World*, Cambridge 1978, 159–191), 305–308, 310; Rüpke, *Domi militiae*, 117–122; Ferrary, "*Ius fetiale* et diplomatie", 429–430; Dawson, *Origins of Western Warfare*, 3, 113; S.P. Mattern-Parkes, "The Defeat of Crassus and the Just War", *CW* 96 (2003), 387–396).

[13] Dahlheim, *Struktur und Entwicklung*, 180; Harris, *War and Imperialism*, 169, 172, 269; Albert, *Bellum iustum*; S. Clavadetscher-Thürlemann, *ΠΟΛΕΜΟΣ ΔΙΚΑΙΟΣ und Bellum Iustum: Versuch einer Ideengeschichte* (Zürich, 1985), 127–184; Cornell, "The Formation of the Historical Tradition of Early Rome", 76–77; Brunt, "Laus imperii", 306; M. Kostial, *Kriegerisches Rom? Zur Frage von Unvermeidbarkeit und Normalität militärischer Konflikte in der römischen Politik* (Stuttgart, 1995), 39–67. Cornell, "Rome and Latium to 390 BC", 292–293 relates the notion of just war and the shape of *ius fetiale* to the "experiences of the fifth century".

for waging a just war lay in carrying out the fetial procedures correctly. Doing so should ensure that a war was not only *iustum*, but *pium*, that it had the support of the gods. Insofar as we can trust what Livy reports about those procedures, what do they tell us about a possible conflict with the notion of third party diplomacy?

Livy details a three-stage process by which the fetials responded to an injury committed against the Roman community (1.32). The first stage is that commonly called the *rerum repetitio*, which we might loosely call the 'demand for satisfaction'. The chief fetial, known as the *pater patratus*, would travel to the offending community and make public declaration of Rome's demands, calling on Jupiter to witness the justice and righteousness of those demands by execrating himself personally if the demands were unjust. After a lapse of about a month,[14] if Rome's opponent had not made the reparation demanded, the fetial would pronounce the *testatio deorum*, calling Jupiter and other gods to witness that the other party was unjust and refused to make just reparation. The fetial would then return to Rome, where the actual war-vote would take place, whereupon he would make his third and final journey to the offending nation in order to carry out the *indictio belli*, the declaration of war, which Livy says was accompanied by the rite of hurling a spear into the enemy territory.

This final stage entailed also a formal statement to the effect that the enemy had been 'guilty of acts and offences against the Roman people'.[15] It comes as no surprise to find such a judgement in the context of this final stage, the actual declaration of war.[16] But we need to make the perhaps obvious point that the guilty verdict has already been determined before the *pater patratus* ever even makes his first trip to enemy territory. The *rerum repetitio*, that first stage, represents no call to negotiation, no invitation to debate or discussion, only a set of demands premised on the conviction that Rome has been wronged. The only leeway it leaves is in the fetial's willingness to become a scapegoat if—

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[14] 33 days in Livy (1.32, 9); 30 days in Dion. Hal. (2.72, 8).

[15] Livy 1.32, 14 (Loeb translation); cf. Aul. Gell. 16.4, 1 (citing Cincius). Ogilvie does caution against putting too much faith in the precise formulae as reported by Livy (p. 128).

[16] In view of the ongoing debate over whether the Romans required an actual just cause, or only the formal fetial ritual, in order to have a *iustum bellum*, it is worth pointing out that the ritual formula itself does after all encompass the notion of a just cause: it declares flatly that the enemy is the guilty party.

and it is a remote 'if'—the Roman demands turn out to have been unjust or irreligious.[17]

The formal structure of the *ius fetiale*, which had no real counterpart in the Greek world, thus left no scope for negotiated or mediated settlement of the points of conflict. Rome's demands, at least as framed in the formal ritual, are all or nothing. This is not to say that negotiations—perhaps over the financial amount of reparation necessary—could never have taken place, though the pattern of Rome's relations with her neighbours would suggest that if it did happen, it did not happen very often. It is also not to say that Rome never saw herself as having offended against the *ius fetiale* and the concept of *iustum bellum*, though such recognition was invariably after the fact. Breach of the *ius fetiale* was a stock answer to the dilemma of military defeat, and it was part of Roman fetial duty to carry out extradition of *Roman* offenders.[18] Crassus' Parthian disaster was attributed by Roman writers to the 'fact' that Crassus was waging an unjust war. The multitude and the terrifying nature of the omens before the Battle of Carrhae—omens willfully ignored by the commander—testify that the supernatural verdict had gone against the Romans, and furthermore that this verdict had been delivered before the battle ever took place.[19]

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[17] Cf. Harris, *War and Imperialism*, 167: "The *rerum repetitiones* were in a precise sense non-negotiable demands, and they were usually set at an unacceptable level." See also Hausmaninger, "'Bellum iustum'", 339–340; A.R. Meadows, "Greek and Roman Diplomacy on the Eve of the Second Macedonian War", *Historia* 42 (1993), 58; Ferrary, "*Ius fetiale* et diplomatie", 432; Bederman *International Law*, 239; Auliard, *La diplomatie romaine*, 63; Eckstein, *Mediterranean Anarchy*, 121, 217 (arguing, however, that the Romans were not unusual in practising this sort of aggressive diplomacy); N. Rosenstein, "War and Peace, Fear and Reconciliation at Rome", in K.A. Raaflaub (ed.), *War and Peace in the Ancient World* (Blackwell; Oxford, Malden, Victoria, 2007), 238.

Giovannini in his review of Watson, *International Law in Archaic Rome*, completely rejects the notion of any arbitration (human or divine) forming any part of fetial procedure; in his *Athenaeum* article published in the same year (Giovannini, "Le droit fécial", 33–42) he seems to take a somewhat different approach, and suggests that the first fetial embassy, which delivers the *rerum repetitio*, is a true embassy, allowing time for reflection, while it is only the second communication of a month later which presents the irreversible declaration. While this may be true, it is pretty clear that it is only Rome's enemy that is supposed to pause and reflect; Rome is not expected to change her tack.

[18] *E.g.*, C. Hostilius Mancinus (handed over to the Numantines after the Roman defeat in 137); see N. Rosenstein, *Imperatores Victi. Military Defeat and Aristocratic Competition in the Middle and Late Republic* (Berkeley, Los Angeles, Oxford, 1990), 68.

[19] On the omens before Carrhae, see Mattern-Parkes, "The Defeat of Crassus", 389; on Crassus' Parthian campaign as an unjust war (by Roman standards) see also Albert, *Bellum iustum*, 112–114.

That warfare is a trial before the gods, and that the gods deliver a verdict through battle is a common notion, widespread in human cultures.[20] We find it among the Greeks also. They too believed in the notion of justice in warfare, and each side generally went into battle armed with the conviction that the gods supported their particular cause.[21] But whereas Greek belief also found room for the possibility of a compromise solution and a mediated end to conflict, the formal structure and the philosophical underpinnings of Roman *ius fetiale* and *bellum iustum* militated against negotiation, mediation or compromise. For the Romans, the justice of their wars was a significant part of their ideology—one they took quite seriously—and the honour and prestige associated with such an ideology played an important role in their self-conception.[22] But issues involving ideology—national honour, religious beliefs, and so forth—are not and never have been easily susceptible to the give and take of a mediated solution.[23]

As Alan Watson has remarked, "the fetial system was devised to … ensure that the gods declared a legal verdict in favor of the Romans *before fighting began*."[24] Watson indeed argues that, far from simply calling on the gods to witness the righteousness of Rome's cause, the fetial formula calls on the gods as judges, divine judges who function as 'neutral arbiters' and who have already determined that Rome's cause

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20 See Dawson, *Origins of Western Warfare*, 121 n. 4; J.W. Rich, "Fear, Greed, and Glory: the Causes of Roman War Making in the Middle Republic", in C.B. Champion (ed.), *Roman Imperialism: Readings and Sources* (Blackwell; Oxford, Malden, Victoria, 2004) [first published 1995], 60.

21 See Chaniotis, *War in the Hellenistic World*, 180–181.

22 W. Moskalew, "Fetial Rituals and the Rhetoric of the Just War", *Classical Outlook* 67 (1989/90), 105–110 argues strongly in favour of the view that the Romans were sincere in their efforts to ensure that their *bella* were *iusta*; Eckstein also thinks that the Romans took the issue of *bellum iustum* quite seriously (*Mediterranean Anarchy*, 220).

23 See J. Bercovitch, "International Mediation: a Study of the Incidence, Strategies and Conditions of Successful Outcomes", *Cooperation and Conflict* 21 (1986), 162, and M. Kleiboer, "Understanding Success and Failure of International Mediation", *Journal of Conflict Resolution* 40.2 (1996), 364 on the challenges posed to the process of mediation by ideological conflicts (territorial and security issues are more amenable). Honour and prestige have pragmatic as well as ideological aspects: Eckstein, *Mediterranean Anarchy*, 63; Rosenstein, "War and Peace, Fear and Reconciliation at Rome", 226–244. J.-L. Ferrary notes only two occasions on which the Republican Romans accepted a compromise peace, both of them exceptional and in the end temporary: peace with Philip V in 205 and peace with Mithridates in 85 ("Le monde hellénistique et Rome", in C. Bearzot et al. (eds.), *L'equilibrio internazionale dagli antichi ai moderni* (Milan, 2005), 54).

24 Watson, *International Law in Archaic Rome*, 29 (my emphasis).

and Rome's war are just.[25] While I do not necessarily agree with Watson's entire argument,[26] I do think that the formal structure of the fetial formula undeniably implies that judgement of some sort has already taken place before Rome even embarks on war.[27] In some sense, Rome has already been to 'arbitration', for a judgement has been rendered that the enemy is the guilty party. For a mere human to offer his third party diplomatic skills when Rome has already received heaven's judgement on the matter would therefore be at the least superfluous, and might—should the Romans choose to view it this way—be construed as presumptuous and offensive.

Iustum bellum *and third party diplomacy*

The notion of international third party diplomacy did not truly engage the Romans until they came into contact with the Greek world, so potential conflict between *ius fetiale* and diplomatic compromise would not have arisen in the early Republic. Furthermore, since the formalities of fetial procedure do not seem to have been employed, at least not in the same fashion, in Roman interactions with the Hellenistic east, such conflict might not be immediately apparent in the middle Republic either. But it is not so much the formalities of fetial procedure that are relevant here, as the underlying philosophy which gave rise to those formalities in the first place, and there is ample evidence that this philosophy never changed: once Rome had decided that she had been injured, her wars were justified and received divine approval, and there

[25] Watson, *International Law in Archaic Rome*, passim, especially pp. xii and 62. Cf. Hausmaninger, "'Bellum iustum'", 342. Harris of course pre-dates Watson's work, but some of his comments adumbrate it: "Since Rome's enemies were generally familiar neighbours whose gods either were identical with Rome's or were at least felt to be powerful.... Rome had to compete before a sort of divine tribunal.... [I]n international disputes there was no *iudex* to resort to—only the divine *iudices* who decided who was to be victorious in war." (Harris, *War and Imperialism*, 170).

[26] Watson's argument that the phrase *ego vos testor* (Livy 1.32, 10) calls upon the gods as judges, rather than as witnesses, has not received widespread support (for reviews challenging this aspect of Watson's argument, see Rich *CR* 44 [1994], 322–324; Harrington *CW* 88 [1994/5], 207; Giovannini *Gnomon* 72 [2000], 46). Given that the *rerum repetitio* leaves no room for negotiation or arbitration on the merits of the case, the distinction between "witness" and "judge", at least as far as the gods are concerned, may not be such a significant one.

[27] See also L.E. Matthaei, "On the Classification of Roman Allies", *CQ* 1 (1907), 190.

was no room for compromise. If the Romans no longer delivered the *rerum repetitio* or the *testatio deorum*, they did deliver the non-negotiable ultimatum, which came pretty much to the same thing.[28]

In the past thirty years there have been numerous examinations of Roman attitudes to Hellenistic third party diplomacy.[29] That the Romans occasionally—if rather lackadaisically—acted as mediators or arbitrators, and that they had no objection to the Greeks continuing this practice among themselves, is well-established and not open to dispute. What is at issue here is the question of how the Romans perceived and responded to suggestions that their own conflicts be subjected to compromise solutions, that they themselves submit to arbitration or mediation. On this question, there is considerable debate, and the answers range from claims that the Romans were violently opposed to (and always offended by) any suggestion of third party diplomacy in their own disputes, to assertions that they welcomed such interventions and not infrequently made use of them. The same set of examples—drawing chiefly on Livy and Polybios—is adduced by both sides in the debate. As examples, they are problematic. They are all we have, but I do not think they support what they have so far been said to support.

One very important contribution to the debate has been made by Arthur Eckstein and Vladimir Kaščeev, both of whom insisted on the distinction between different kinds of third party conflict resolution.[30] Specifically, they emphasized the distinction between mediation and arbitration. The former is more of a cooperative process, with a friendly third party endeavouring to bring together the disputants in an amicable solution, but without binding legal authority. Arbitration, on the other hand, is viewed as a legal process, and is generally also defined as

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[28] Such as the ultimata delivered to Philip V in 200. Cf. Ferrary, "*Ius fetiale* et diplomatie", 432.

[29] Gruen, "Rome and Rhodes", 58–81, Gruen, *Hellenistic World and the Coming of Rome*, chapter 3; Marshall, "The survival and development of international jurisdiction", 626–661; Scafuro, "Prusias II of Bithynia and Third Party Arbitration", 28–37; Eckstein, "Rome, the War with Perseus, and Third Party Mediation", 414–444; Ager, "Rhodes: the Rise and Fall of a Neutral Diplomat"; Ager, *Interstate Arbitrations*; V. Kaščeev, "Schiedsgericht und Vermittlung in den Beziehungen zwischen den hellenistischen Staaten und Rom", *Historia* 46 (1997), 419–433. The much earlier work of L.E. Matthaei, "The Place of Arbitration and Mediation in Ancient Systems of International Ethics", *CQ* 2 (1908), while dated in some respects, remains valuable.

[30] Eckstein, "Rome, the War with Perseus, and Third Party Mediation", 414–444; Kaščeev, "Schiedsgericht und Vermittlung", 419–433. Eckstein's work in particular provides a detailed survey.

'binding', though the question of whether binding arbitration is possible in the international sphere is another matter. Mediation aims at friendly reconciliation and agreement, on the basis of equity rather than law. Arbitration, although it too can operate on the basis of compromise, is more of a judicial procedure; it is carried out in the context of a putative international law and aims primarily at determining legal right and rendering a judgement, rather than conciliating the parties involved.[31]

Eckstein and Kaščeev were absolutely right to emphasize this distinction. Without it, discussions of Roman attitudes to Hellenistic third party diplomacy were largely meaningless. On the basis of this distinction, both scholars cited examples which they felt indicated that while Rome was not open to the idea of arbitration in her own disputes, she was amenable to the idea of mediation.[32] Now, what has been said so far should lead to a consensus of opinion on the matter of arbitration. Not only might the Romans have felt that they already had been subjected to the arbitration of the highest possible court—that of the gods—there are numerous political reasons why the Romans (and most powerful states) were and are reluctant to submit to binding arbitration. No scholar today would defend the notion that Rome was willing to have her disputes arbitrated.[33] In that, she is little different from other powers of her stature, in antiquity or the present day.

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[31] See F.S. Northedge and M.D. Donelan, *International Disputes: the Political Aspects* (London, 1971), 297–298; G. Schwarzenberger and E.D. Brown, *A Manual of International Law*, 6th ed. (Milton, 1976), 194–195; J.C. Plano and R. Olton, *The International Relations Dictionary*, 4th ed. (Santa Barbara and Oxford, 1988), 256, 296–297; H.-J. Schlochauer, "Arbitration", in R. Bernhardt and P. Macalister-Smith (eds.), *Encyclopedia of Public International Law* (1992), i. 215–230; R.-L. Bindschedler, "Conciliation and Mediation", in R. Bernhardt and P. Macalister-Smith (eds.), *Encyclopedia of Public International Law* (1992), i. 721–725; D. Weigall, *International Relations: a Concise Companion* (Oxford and London, 2002), 12–13, 141; G.R. Berridge and A. James, *A Dictionary of Diplomacy*, 2nd ed. (Basingstoke, NY, 2003), 13, 171.

[32] Eckstein cites numerous examples, but Kaščeev, while claiming that there are "not a few instances" of Rome subjecting herself to mediation, in fact cites only two (Kaščeev, "Schiedsgericht und Vermittlung", 430–432): the Epirote facilitation of the Peace of Phoinike and the Athenian-Achaian intercession with the Boiotians on behalf of Flamininus (see further below).

[33] The term "arbitration" is, however, sometimes loosely employed in reference to undertakings that were clearly not true arbitration (see, e.g., Champion, "Empire by Invitation", 270, and Billows, "International Relations", 323). My own earlier publications are in places insufficiently strict in the use of terminology. The present paper represents a modification of some of the views expressed in my 1991 paper ("Rhodes: the Rise and Fall of a Neutral Diplomat"), and these modifications have in turn been prompted by the desire to be more systematic.

But Eckstein's and Kaščeev's conclusions still leave one feeling that there is something wanting, something not quite finished, something still to be desired for further analysis. What about the claim that Rome was quite content to be party to mediation? First of all, it should be emphasized that there are in fact numerous examples of Rome turning down offers of mediation, and even reacting at times in a hostile fashion to such overtures.[34] Nevertheless, several cases are put forward to demonstrate that Rome was not antagonistic to mediation:[35]

– *The siege of Syracuse, 212 BC*: representatives of various Sicilian states (now on the Roman side) act as go-betweens in negotiating a peace settlement between the besieged Syracusans and the Roman commander Marcellus (political developments within Syracuse result in the failure of this peace attempt).
– *First Macedonian War, 209–207 BC*: various Greek states attempt to mediate an end to the conflict between Philip V and Aitolia and, incidentally, Rome. The Roman commander, P. Sulpicius Galba, claims he does not have the authority to conclude a peace, and secretly sends a message to the senate urging that the war be continued.
– *Peace of Phoinike, 205 BC*: the Epirotes sound out the Romans, and open negotiations for Roman peace with Philip.

[34] For examples of Roman *rejection* of suggestions or offers of mediation or arbitration, at times with antagonism, see Ager, *Interstate Arbitrations*, no. 8 (Tarentum in the 2nd Samnite War); no. 27 (Pyrrhos in 280); no. 35 (Ptolemy II in the 1st Punic War; it is generally assumed that it was Rome who rejected Ptolemy's offer, but that is not made explicit); no. 57 (mediation efforts by Greek states in the 1st Macedonian War); no. 84 (Aitolian suggestion that Antiochos III arbitrate between themselves and Rome); no. 93 (Herakleia Pontika's encouragement to Rome and Antiochos to come to terms, 190 BC); no. 121 (various offers to negotiate a peace in the 3rd Macedonian War).

[35] Examples cited by Gruen, Eckstein, and Kaščeev: Livy 25.28–29 (Marcellus, Sicilian states, and Syracuse, 212 BC); Appian *Mac.* 3, Livy 28.7, 13–14 (Greek efforts to mediate 1st Macedonian War, 209–207 BC) [Ager, *Interstate Arbitrations*, no. 57]; Livy 29.12, 8–12 (Epirote facilitation of Peace of Phoinike, 205 BC); Livy 32.10, 1–2 (Epirote facilitation of meeting between Flamininus and Philip V, 198 BC); Livy 33.29, 8–12 (Athenian and Achaian intervention with the Boiotians and Flamininus, 196 BC) [Ager, no. 75]; Livy 35.32, 6–7 and 12–14 (Athenian intercession with the Aitolians at Flamininus's request, 192 BC) [Ager, no. 84]; Memnon *FGH* 434, F18.6–10 (Herakleia Pontika in 190) [Ager, no. 93]; Polyb. 21.4; 21.25; 21.29–31; Livy 37.6–7; 38.3; 38.9–10 (Athenian and Rhodian intercession on behalf of Aitolia, 190–189 BC) [Ager, no. 94]; Polyb. 22.5 (Ilian intercession on behalf of Lycia, 188 BC) [Ager, no. 102]. See Gruen, *Hellenistic World and the Coming of Rome*, 117–119; Eckstein, "Rome, the War with Perseus, and Third Party Mediation", 417–423; Kaščeev, "Schiedsgericht und Vermittlung", 430–432.

- *The meeting of Flamininus and Philip at the Aous, 198 BC*: facilitated by the Epirotes.
- *Athenian and Achaian intervention with the Boiotians, 196 BC*: Flamininus calls Athenians and Achaians to witness he is waging a *iustum piumque bellum* on the Boiotians; Athenian and Achaian envoys facilitate a meeting between Flamininus and the Boiotian ambassadors, the Achaian plea having the most influence because the Achaians had stated they were prepared to join the conflict on the Roman side.
- *Athenian intercession with the Aitolians at Flamininus' request, 192 BC*: Athenian envoys urge the Aitolians to remember their *societas* with the Romans and to resolve their dispute by discussion rather than war.
- *Herakleia Pontika urges Rome and Antiochos III to come to terms, 190 BC*: no issue beyond friendly statements from the Romans and ultimately a treaty between Rome and Herakleia.
- *Athens and Rhodes intercede with Rome on behalf of Aitolia, 190–189 BC*: repeated efforts by Athenians and Rhodians, both in Greece with the Roman commanders and in Rome before the senate, succeed in 'deprecating the anger' of the Romans, and ultimately result in a peace treaty for the Aitolians.
- *The Ilians intercede with the Romans on behalf of Lycia, 188 BC*: Ilian ambassadors to the Roman decemvirate 'deprecate the anger' of the Romans against Lycia, and succeed in alleviating their punishment for having been in Antiochos' camp.

The question is, do these cases genuinely support the claim that Rome was open to offers to mediate her disputes?

My first comment would be that the examples adduced do not all have the same claim to credibility. For example, the historicity of the anecdote about Herakleia Pontika's messages to Rome and Antiochos, urging the belligerents to come to terms, is very much open to question.[36] Furthermore, while there is no reason to doubt the actual

[36] Eckstein, "Rome, the War with Perseus, and Third Party Mediation", 414–444 argues that regardless of the authenticity of this report, it indicates that Rome was not known to be antagonistic to offers of mediation. In fact, however, Herakleia does not precisely offer to mediate between the belligerents; rather, her messages simply urge the two parties to come to terms with one another. The extreme friendliness of the diplomatic interchanges may be attributed to the fact that this is a Greek source. On the dubious accuracy of this source, see H.B. Mattingly, "Rome's earliest relations with Byzantium, Heraclea Pontica, and Callatis", in A.G. Poulter (ed.), *Ancient Bulgaria:*

embassy from Ilium on behalf of Lycia to the Roman commission settling the affairs of Asia after the Battle of Magnesia, the subsequent history of controversy, conflict, and confusion surrounding Lycia's status suggests that the Ilian ambassadors might very well have exaggerated the degree of their success in 'deprecating the anger' of the Romans.[37]

Another comment that can be made about these examples is that quite obviously not all of them illustrate a case of successful mediation between Rome and an opponent. As Eckstein himself has recently and cogently argued, it is likely that the Greek states seeking to mediate an end to the 1st Macedonian War were actually trying to resolve the conflict between Philip and Aitolia, and that they only occasionally and incidentally included Rome in the negotiations—and it is quite clear that Rome was not interested in any case.[38] And despite all the friendly chit-chat that Memnon reports between Herakleia and the Roman representatives, Rome does not appear at any point to have been open to Herakleia's suggestion of a negotiated peace in the war with Antiochos.[39] It may be significant that in both cases there was still a major military issue that had not yet been decided. Sulpicius Galba's 'secret message' to the senate in 207 argued that it was to the benefit of the Romans that the war continue, and in 190, at the time of Herakleia's alleged offer, Scipio had hopes—which turned out to be good ones—for a major victory over Antiochos. After victory, or simply when it was clear that the Romans had the undisputed upper military hand, with a people like the Boiotians or the Aitolians reduced to a state of terror, the Romans could at times be open to listening to pleas on their behalf.[40] The Athenian pleading for Aitolia had done no good

Papers Presented to the International Symposium on the Ancient History and Archaeology of Bulgaria, University of Nottingham, 1981 (Univ. of Nottingham, Dept. of Classical and Archaeological Studies, Archaeology Section, Monograph Series, 1; Nottingham, 1983), 249; Gruen, *Hellenistic World and the Coming of Rome*, 736; Scafuro, "Prusias II of Bithynia and Third Party Arbitration", 35.

37 See Ager, *Interstate Arbitrations*, no. 102.

38 See A.M. Eckstein, "Greek Mediation in the First Macedonian War, 209–205 BC", *Historia* 51 (2002), 268–297, and now A.M. Eckstein, *Rome Enters the Greek East: from Anarchy to Hierarchy in the Hellenistic Mediterranean, 230–170 BC* (Blackwell; Oxford, Malden, Victoria, 2008), 91–116.

39 For the view that Africanus might actually have solicited Herakleia's intervention, see J.D. Grainger, *The Roman War of Antiochos the Great* (Leiden, Boston, 2002), 311–312 (who admits there is no evidence for this).

40 For the abject state of the Boiotians in 196 and the Aitolians in 189 (after hearing of the Roman victory at Magnesia), see Livy 33.29, 10 and 38.3, 6–8; Polyb. 21.25, 8–10.

Roman willingness to listen to the Epirotes in 205 may be something of an excep-

in 190; it was only after the Roman victory at Magnesia that progress was made.[41]

Finally, and most significantly, these examples have been too broadly categorized, and in most cases wrongly characterized as 'mediation'. We saw earlier the vital distinction between arbitration and mediation, correctly recognized by Eckstein and Kaščeev. But there are further distinctions which can, and should, be made. While recognizing that it is often impossible to tease out of a cryptic ancient source the precise nature and character of a set of diplomatic negotiations, it is still possible to drill down a little further and designate several of these instances as something considerably less than mediation.

Modern international practice recognizes several categories of third party diplomacy. Berridge and James define numerous methods for the pacific settlement of international disputes: adjudication, arbitration, conciliation, good offices, inquiry, judicial settlement, mediation, and negotiation.[42] It is not always easy to distinguish between the non-judicial methods of dispute resolution: categories like good offices, mediation, and conciliation often blend into one another. But what I would like to suggest is that the methods of third party diplomacy that the Romans found most acceptable were those analogous to the

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tion; but the Epirotes, as Philip's allies, were scarcely neutral mediators, and in this case, Rome's military interests were here best served by an immediate peace in Greece (now that the Aitolians had withdrawn from the war with Philip and Rome still had Carthage to deal with): R.M. Errington, "Rome and Greece to 205 BC", in *CAH*² viii. 103–104; Ferrary, "Le monde hellénistique et Rome", 54.

[41] Polybios (followed by Livy) reports that the only friendly Roman response to the notion of a negotiated peace with Aitolia was that of P. Scipio himself, and comments that his motivation was simply to end the war in Greece so that he could go on to seek glory against Antiochos in Asia (Polyb. 21.4, 4–5; Livy 37.6, 5. Scafuro, "Prusias II of Bithynia and Third Party Arbitration", 36 comments on this as an example of cynical Roman exploitation of the principle of mediation; see also Grainger, *The Roman War of Antiochos the Great*, 276). Publius' brother, L. Scipio, the consul, betrayed no real interest in the spirit of mediation that the Athenians had tried to inject into the discussions (his terms were too harsh for the Aitolians to accept; Polyb. 21.4, 12–14; Livy 37.6, 7), while negotiations in Rome over the course of the winter had had no outcome (Livy 37.49; 38.3, 6; Polyb. 21.25, 9).

[42] Berridge and James, *A Dictionary of Diplomacy*. See also Schwarzenberger and Brown, *A Manual of International Law*, 194; Plano and Olton, *The International Relations Dictionary*, 254, 298. Article 33 of the UN Charter states that "The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."

modern categories of 'good offices' and 'conciliation', rather than full-fledged mediation, and to these I would like to add a category not specifically recognized in modern international law manuals: that of '(apologetic) deprecation'.

Schwarzenberger and Brown define the categories as follows:

> *Good offices* share with *mediation* the element of friendly intervention by a third party. Yet, while good offices by a third party merely serve to bring the parties to a dispute together, a *mediating* third party actually takes part in the discussion in order to assist in the solution of the dispute. *Conciliation* covers the efforts of an international institution in bringing about a friendly settlement of a dispute, without imposing any particular solution on the parties.[43]

Northedge and Donelan further amplify the distinction between good offices and mediation:

> [T]he expression 'good offices' is generally understood to mean a friendly encouragement to disputing states to continue their efforts towards an agreed settlement or the provision of channels of communication between the disputing states when their former channels have become clogged. The mediator, on the other hand, is generally regarded as having a somewhat wider scope: his function…is actually to take the thread of negotiations into his own hands; to discuss with the parties, jointly and/or separately, their proposals for ending the dispute; to act, like those providing good offices, as a channel of communication between the parties if necessary; to suggest proposals of his own; to play an active role in narrowing the gap between the two sides; and possibly even to serve as the guarantor of the settlement ultimately reached, if any.[44]

Seen in this light, the intervention of the Epirotes in 205 BC (for example), and their facilitation of the Peace of Phoinike, really looks more like good offices or conciliation than like mediation.[45] They performed the same office a few years later, for the same reasons, bringing Flamininus and Philip together at the Aous river.[46] The Epirotes merely pro-

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[43] Schwarzenberger and Brown, *A Manual of International Law*, 194–195.

[44] Northedge and Donelan, *International Disputes: the Political Aspects*, 297–298.

[45] Livy 29.12, 8–12. As an aside, one might comment that their status as allies of Philip might actually have made their actions *less* offensive to the Romans than if they had been *socii et amici* of Rome. The Romans would easily have interpreted their behaviour as inclining them towards Rome, and potentially breaking faith with Macedon—they were, as Briscoe says, "eager for peace and very lukewarm allies of Philip" (J. Briscoe, *A Commentary on Livy, Books XXXI–XXXIII* (Oxford, 1973), 185–186 [on Livy 32.10]).

[46] Livy 32.10, 1–2.

vided their good offices in bringing the parties together and urging them to make peace. This was not mediation, and that Flamininus was not interested in mediation (let alone arbitration) is painfully clear from Livy's account of the Aous conference, which resulted in Philip storming off in a rage.[47]

What is the significance of making these distinctions between different levels of non-judicial third party diplomacy? If we refer back to the tasks of a mediator, as outlined by Northedge and Donelan, one thing that stands out is that it is a fundamental part of a mediator's task to treat the two disputants as equals (regardless of whether there is power parity between them): literally to stand in the middle, both in terms of an appropriate impartiality and in terms of the respect accorded to the two parties and their claims. But as we saw, it was a fundamental aspect of the Roman self-image that in war (and, presumably, in peace) her moral position was above question and not open to compromise. Her claims could not be viewed in the same light as those of her enemy; otherwise, how could her *bellum* be *iustum*? I would therefore return to the suggestion made above. To these various categories of conciliatory diplomacy should be added one more, which seems to have been particularly and peculiarly acceptable to the Romans, at least much of the time: that of (apologetic) deprecation.

I use the term 'deprecation' here in its more archaic sense, that of begging or entreaty, in particular to avert some evil.[48] In this context, it would mean a special pleading by a third party, on behalf of a community or nation which is clearly outmatched by Rome, and which is furthermore characterized even by those pleading on her behalf as the guilty party, the one that had been in the wrong in whatever conflict had set her against Rome. The terms *deprecari* and *deprecator* repeatedly appear in Livy's version of these examples of third-party diplomacy, echoing Polybios's use of the term *paraiteisthai*.[49] Thus the Athenians and Rhodians successfully 'deprecate the anger of the Romans' with

[47] Livy 32.10, 3–8; Diod. Sic. 28.11. For the cross-purposes of Flamininus's and Philip's discussion (each meaning something quite different by their references to "arbitration"), see Ager, *Interstate Arbitrations*, no. 72, and references cited there.

[48] *OED*[2]: "intercessory prayer; prayer for the averting or removal (of evil, disaster, etc.); prayer for forgiveness; entreaty or earnest desire that something may be averted or removed."

[49] Livy 33.29, 11; 37.6, 4; 38.9, 3; 38.10, 2. Perseus uses the term in asking Rhodes and Prusias to entreat Rome on his behalf: Livy 42.46, 4 and 44.14, 7 (cf. 44.14, 6). Cf. Polybios' references to "deprecating the anger of the Romans" (*paraiteisthai*) at 21.25, 10 and 22.5, 6 (Loeb translation).

Aitolia, while admitting up front that the Aitolians were at fault; the Ilian ambassadors do the same for the Lycians.[50] So concerned were the Achaians in 196 to demonstrate to the Romans their own conviction that the Boiotians were guilty and that Flamininus was indeed waging a *iustum piumque bellum* on them, that they declared they would enter the conflict on the Roman side if the dispute was not resolved peacefully.[51]

Deprecatory diplomacy is not at all to be confused with mediation. It does not acknowledge the equality of the parties or their claims; it frequently and explicitly assumes the guilt of the non-Roman side; it requires no compromise from Rome; and it easily allows Rome to retain her stance of having fought a just war. For Rome to submit to mediation and compromise would be tantamount to admitting that she had not been wholly in the right. But allowing one party to deprecate on behalf of another is the act of a righteous victor. It presents no threat to Rome's claim of having fought a *iustum bellum*, and it permits her to be in the position of being gracious in victory—should she so choose.[52] There is nothing in third party deprecation to injure the Romans' touchy sense of *maiestas*. Furthermore, anyone may offer deprecation. The essence of deprecation is humility, and those offering it have no pretension to high status, and are, in some respects, suppliants.[53] A mediator, on the other hand, by the very nature of the task

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[50] Polyb. 21.31, 7–16 (cf. Livy 38.10, 4–6); Polyb. 22.5, 3.

[51] Livy 33.29. This whole affair looks suspiciously stage-managed by Flamininus. Prusias allegedly made a similar declaration in 169, claiming that he would like to have peace with Perseus, but that he was prepared to continue fighting on the Roman side for as long as it took (Livy 44.14, 6–7). This clear declaration of partiality for Rome—not to mention Prusias' apparently obsequious behaviour, which may have emphasized his self-presentation as a Roman client—meant that his special pleading for Perseus at Rome (as a *deprecator*) was not in the same league as the haughty Rhodian demand with which Livy contrasts it. The whole passage is questionable, and in the case of the Rhodians, clearly unauthentic.

[52] Polybios offers some support for this in his commentary on Greek views about the 3rd Punic War (36.9); he remarks that "formerly" the Romans had been accustomed to take their wars (only) to the point of victory and the enemy's admission of defeat and acknowledgement of Roman hegemony—*i.e.*, that total extermination of the enemy had not generally been a Roman goal. The most famous and succinct statement on this is of course Vergil's identification of the Roman mandate as *parcere subiectis*, with the all-important adjunct, *et debellare superbos* (*Aeneid* 6.853).

[53] See Plutarch *Cato Minor* 64.5, where Cato remarks that "prayer belongs to the conquered, and the craving of grace (*paraitesis*) to those who have done wrong" (Loeb translation, slightly modified); and cf. C.A. Barton, "The Price of Peace in Ancient Rome", in K.A. Raaflaub (ed.), *War and Peace in the Ancient World* (Blackwell; Oxford, Malden, Victoria, 2007), 249: "*Deditio* (surrendering, suing for peace) and its companion *deprecatio* (pleading for mercy) were the acts of someone whose spirit had been broken."

of mediation, does have a claim to being at least the peer, and perhaps even the superior—however temporary—of the belligerents. There is thus no presumption attached to the notion of deprecation or good offices, whereas there might well be with mediation (and certainly, *a fortiori*, with arbitration).[54]

If many or most of the examples cited to show that the Romans were open to mediation really turn out to be for the most part good offices or conciliation or deprecation, then the most striking examples of mediation offers we are left with are the ones where the Romans rejected the offer or reacted with outright hostility. Of these, the most conspicuous is the one cited at the beginning of this paper: the unhappy Rhodian attempt to intervene between Rome and Perseus of Macedon.

Reading through the Roman screen

According to Livy, both Prusias of Bithynia and the Rhodians attempted to engage the Romans in third party diplomacy to settle the 3rd Macedonian War. The difference, Livy says, was in the manner of their attempts.[55] Prusias' approach was that of deprecation. He said that Perseus had asked him to be a *deprecator* on his behalf, but he also declared that he would fight on the Roman side to the very end; furthermore, his general behaviour may have been obsequious to the point of nausea.[56] His self-presentation in his dealings with Rome in general suggests that he chose not only to accept, but to glory in Roman 'patronage' and his own subordinate role as a Roman 'client'.[57] Rhodes, on the other hand—or so Livy would have us believe—completely betrayed her obligations to Rome, obligations that had surely been

[54] On the substance of a mediator's role (weightier than one performing good offices or conciliation), see also Bindschedler, "Conciliation and Mediation", 723, Berridge and James, *A Dictionary of Diplomacy*, 171.

[55] Cf. Scafuro, "Prusias II of Bithynia and Third Party Arbitration", 29–30.

[56] Livy 44.14, 5–7. Scafuro, "Prusias II of Bithynia and Third Party Arbitration", 28–37 thinks that the senate *was* angered at Prusias' intervention (and that his subsequent grovelling behaviour was an effort to deflect that anger), but there is too much argument from silence in her case.

[57] Polyb. 30.18; Diod. 31.15; Livy 45.44, 4–21. Although these passages relate to Prusias' visit to Rome in 167/6, Livy's account of the visit in 169 (44.14, 5–7) does not conflict with this general picture of Prusias, and Eckstein argues that "obsequiousness was simply part of Prusias' diplomatic style." (Eckstein, "Rome, the War with Perseus, and Third Party Mediation", 441).

established by Rome's *beneficia* to Rhodes in the settlement of Asia after the defeat of Antiochos, if by nothing else.[58] Far from offering the humble good offices of deprecation or conciliation, or even offering to take on the more exalted and less appropriate role of mediator, the Livian Rhodians simply demand of both Perseus and Rome that they make peace with one another, and intimate that they will contemplate military action against whichever party hinders the peace.[59] Poor Livy is scarcely able to contain his agitation as he contemplates this singular piece of dictatorial arrogance.[60]

Even if this passage of Livy is among his most unhistorical, it may be used to assess certain aspects of Rome's view of third party diplomacy. In particular, it is illuminating to compare it with the first recorded offer of dispute resolution ever made to Rome by a Greek state. In the late 4th century BC, in the context of the 2nd Samnite War, sometime after the disaster at the Caudine Forks, envoys from the city of Tarentum announced to both Samnites and Romans, on the verge of battle with each other, that if they did not lay down their arms, the Tarentines would join the fight and treat as an enemy the side that was responsible for inhibiting peace.[61] The whole scenario, including the contemptuous Roman response, and the very language that Livy uses, resonates suspiciously with his account of the insolent Rhodians

[58] Without entering into the debate on Roman international *amicitia* versus *clientela*, suffice it to say that Rome would certainly have expected significant gratitude for her *beneficia* to her Greek friends, a gratitude that would have placed those friends in an unequal relationship with Rome. See Badian, *Foreign Clientelae*; Gruen, *Hellenistic World and the Coming of Rome*, chapter 2; J.W. Rich, "Patronage and Interstate Relations in the Roman Republic", in A. Wallace-Hadrill (ed.), *Patronage in Ancient Society* (London, New York, 1989), 117–135; Grainger, *The Roman War of Antiochos the Great*, 73; P.J. Burton, "*Clientela* or *Amicitia*? Modeling Roman International Behavior in the Middle Republic (264–146 BC)", *Klio* 85 (2003), 333–369; Billows, "International Relations", 319–323; Eckstein, *Rome Enters the Greek East*, 43–45, 298–300.

[59] Livy 44.14, 8–12. On the unhistorical nature of this passage, see especially Gruen, "Rome and Rhodes", 58–81.

[60] 44.14, 13.

[61] Livy 9.14, 1 (Ager, *Interstate Arbitrations*, no. 8). C. Auliard, "La spécificité des premiers contacts diplomatiques de Rome avec les monarchies hellénistiques", in E. Frézouls and A. Jacquemin (eds.), *Les relations internationales* (Paris, 1995), 433–452 expresses doubts about the accuracy of the Roman version of the bullying Tarentine approach. See also K. Lomas, *Rome and the Western Greeks 350 BC – AD 200: Conquest and Acculturation in Southern Italy* (London, New York, 1993), 49, and S.P. Oakley, *A Commentary on Livy, Books VI–X* (Oxford, 2005), 156–157 ("the sudden appearance of the Tarentines as arbitrators … is not the least bizarre feature of L.'s account").

in Rome in 169, and the subsequent senatorial tantrum.[62] Neither the Tarentine nor the Rhodian embassy in fact makes an offer to mediate, though these diplomatic—or perhaps *un*diplomatic—interchanges are often characterized as such. Rather, each embassy simply presents a flat ultimatum, an attempt to dictate a peace settlement through the threat of military coercion, rather like the implied threat the Roman Popillius Laenas delivered to Antiochos IV on the famous 'Day of Eleusis' in 168 BC.[63]

Livy's account of the Rhodian embassy of 169 BC is generally rejected, rightly enough, as an annalistic fabrication, perhaps inspired by the Rhodian intent to mediate in 168, as recorded by Polybios.[64] Likewise, Livy's account of the 2nd Samnite War is riddled with source problems. So we cannot put much faith in the accuracy of these Livian passages. The Greek record of cases of third party diplomacy shows that this high-handed approach was not a regular principle of Greek mediation (though certainly the Greeks themselves were no strangers to other modes of what is called 'compellence diplomacy').[65] Rather, this characterization seems to appear in distorted or completely spurious tales of Greek intercession preserved in Roman authors.[66] But it is not so much the historicity of these passages that is at issue here as the

[62] Livy 44.15. Note the verbal parallels between 44.14–15 and 9.14 (*denuntiantes*, 9.14, 1…*denuntiarent*, 44.14, 11; *per utros stetisset quo minus discederetur ab armis, adversus eos se pro alteris pugnaturos*, 9.14, 1…*per quos stetisset, quo minus belli finis fieret, adversus eos quid sibi faciendum esset, Rhodios consideraturos esse*, 44.14, 12; *aliis modum pacis ac belli facere aequum censeret*, 9.14, 5…*Rhodios nunc in orbe terrarum arbitria belli pacisque agere*, 44.15, 5).

[63] Polyb. 29.27, 4–6; Diod. Sic. 31.2, 1–2; Livy 45.12, 5–6; Appian *Syr* 66. Livy has the Rhodian Astymedes, addressing the senate with an *apologia* on Rhodes' behalf, liken the earlier Rhodian arrogance to that of Popillius in 168 (45.23, 12). If Livy's account is accurate (unlikely), a Rhodian envoy once again made a major diplomatic blunder by making such a counter-accusation (and by characterizing his arrogant fellow-Rhodian—and therefore by implication Popillius?—as *stultissimus*). Polybios's commentary on Astymedes' speech (30.4–5) says nothing about Astymedes stressing Rhodian arrogance, and indeed suggests that Astymedes took great care to downplay all of Rhodes' perceived faults.

[64] See Gruen, "Rome and Rhodes", 59–60; Gabrielsen, "Rhodes and Rome", 134–135.

[65] See J.R. Grant, "A Note on the Tone of Greek Diplomacy", *CQ* 12 (1962), 261–266; A. Missiou-Ladi, "Coercive Diplomacy in Greek Interstate Relations", *CQ* 37 (1987), 336–345; and Eckstein, *Mediterranean Anarchy*, passim and esp. 60–61.

[66] The Achaian threat to join the Romans against the Boiotians resonates with this characterization; but although this incident—also reported by Livy—might be more historically accurate than the historian's portrayal of the Tarentine and Rhodian demands, it certainly does not represent a case of "mediation" (*pace* my own labelling of it as such in *Interstate Arbitrations* no. 75).

underlying perceptions. It is difficult to escape the conclusion that the Romans perceived arbitration and mediation—along with dictation—as diplomatic exercises coming from a position of strength and superiority, and that such an offer (or demand) would naturally be more properly associated with the arrogance and self-assurance of the Romans themselves. The classic example of such Roman *superbia* is Popillius Laenas at Eleusis in 168; but perhaps more telling in this context is the example of P. Licinius Crassus. Defeated in battle by Perseus in 171, Licinius responded to Perseus' generous offer of peace by haughtily demanding that the Macedonian king submit his case—without reservation—to the judgement of the senate.[67] And Cato is said to have punctured senatorial anger with Rhodes in 167 by turning the Roman attention to their own character: "So [the Rhodians] are arrogant. What do we care? Are you going to get angry just because someone's more arrogant than we are?"[68]

So to dismiss these passages of Livy entirely as simply meaningless annalistic fabrication may not be justified either. While probably unhistorical, at least in terms of the characterization of the actual Greek diplomatic endeavours involved, they are, I think, reflective of Roman perceptions of Greek diplomacy. Polybios' account of Rhodian mediation efforts in the 3rd Macedonian War is certainly to be preferred: he offers a picture of Rhodian ambassadors who are far more polite, and who, when they are brought into the senate after the news of the victory at Pydna is made public, refer to their original mandate to offer mediation, but who diplomatically withdraw it and congratulate the senate on the successful conclusion of the war.[69] Nevertheless, Polybios also records a sharp Roman answer to these perfectly polite and diplomatic Rhodians, and while he may also imply that the Romans were using this as a pretext,[70] we must still account for the contemporary remarks of Cato. The latter not only emphasizes the arrogance of the Rhodians (*superbia illa Rodiensium famosissima*), he also testifies to an apparently

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[67] Polyb. 27.8; Livy 42.62; Plut. *Mor*. 197e–f.

[68] Aul. Gell. 6.3, 50; G. Calboli, *M. Porci Catonis Oratio pro Rhodiensibus* (Bologna, 1978), 259 no. 7. Kaščeev, "Schiedsgericht und Vermittlung", 432 comments on the threats and pressures that not infrequently accompanied Roman "mediation" or "arbitration"; see also C. Habicht, "The Seleucids and their Rivals", *CAH*² viii. 384.

[69] Polyb. 29.19, 3–4. No doubt the mission of the Rhodian ambassadors was an open secret; they therefore could not have suppressed their original mandate entirely.

[70] Polybios refers to the Romans wishing to "make an example of" Rhodes (29.19, 5; cf. 28.17, 8).

real, gut-level response of anger against Rhodes.[71] Evidently at least some Romans really did perceive the Rhodian intervention—however polite—as presumptuous and out of line, not because of its style (as Livy implies), but because of its substance. Operating within the Hellenistic tradition, the Rhodians might have thought that they were behaving in a manner consistent with their friendship with Rome.[72] But in the wake of the 'short, sharp shock' they received at the hands of the Romans, the islanders themselves clearly believed that it was the intent to mediate (not some other obscure misdeed) that had given offence;[73] as for Polybios, he at least saw this diplomatic *faux-pas* as a credible pretext for punishing Rhodes, and the Roman anger must therefore have had some plausibility.[74] Pretexts, after all, are unconvincing if they consist of unprecedentedly mystifying behaviour.

The real Rhodian embassy of 168 probably behaved much as Polybios records it. But there were no doubt many Romans who would have perceived the mediation attempt in and of itself as so fundamentally insolent in substance that the account which ultimately made its way into the pages of Livy was to them the more persuasively true version.[75]

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[71] Aul. Gell. 6.3, 52. Polybios—who would have been in a position to know—also testifies to the anger felt in Rome at this time (30.4, 3). Livy asserts that those who were hottest against Rhodes were the commanders who had served in the Macedonian War (45.25, 2; interestingly, these were the same individuals who were most supportive of Prusias on his trip to Rome in 167 [Livy 45.44, 9]). From the extent of the debate over whether to go to war with Rhodes or not, it is clear that opinions in Rome were divided, and not all Romans were offended to the same degree. Gabrielsen ("Rhodes and Rome") argues that the measures taken by the Romans in the wake of the war, with the exception of the freeing of Lycia and Caria, were not in fact intended to destroy Rhodian power (economic or otherwise); whether or not this is the case, the fact of Roman anger with Rhodes is indisputable.

[72] See Ager, "Rhodes: the Rise and Fall of a Neutral Diplomat", 35–36; Billows, "International Relations", 323.

[73] Livy 45.23, 4 (the passage may well be questionable; it draws on the same annalistic portrait of the arrogant Rhodian behaviour alleged in 169).

[74] Polyb. 28.17, 8–9; 29.19, 1–2; 29.19, 5.

[75] Polybios (28.1, 7–8) reports that an embassy of Ptolemy VI came to Rome in 170/69 with a mandate to offer mediation in the Macedonian conflict, and that, on the advice of M. Aemilius Lepidus, it said nothing publicly about this mandate. Gruen, "Rome and Rhodes", and Eckstein, "Rome, the War with Perseus, and Third Party Mediation", argue that Lepidus' warning indicates nothing about a possibly hostile Roman response to mediation *qua* mediation, but in this instance it is difficult not to agree with Scafuro, "Prusias II of Bithynia and Third Party Arbitration", that for Ptolemy's envoys to have gone ahead with the mediation attempt would have given offence.

Perhaps where the Rhodians truly erred was in not doing a quick about-face on

Conclusion

It is tempting to speculate that Roman anger at efforts to intervene in her conflicts was perhaps heightened when the Romans themselves felt that their *bellum* was not quite as *iustum piumque* as they might have liked. There were those in Rome who had queried the absolute justice of Roman behaviour at the beginning of the 3rd Macedonian War, and the actions of some of the Roman commanders in Greece had indeed been quite brutal.[76] Both the unreliable Livy, and the somewhat more reliable Polybios have their Rhodians make reference to the suffering of the Greeks in the war.[77] Such a comment, if it was truly made, might have touched a rather raw place, and might have contributed to the particularly strong anger that those Romans who had held commands in Greece and Macedonia during the war are said to have felt against the Rhodians.[78]

Nevertheless, such a notion must remain in the field of speculation. The main point of this paper has been to suggest an answer to the question: why should the Romans have responded in such hostile fash-

hearing the news of Pydna, and converting their lofty mediation mandate to a humble deprecation attempt. Clearly the Romans suspected that the Rhodians were acting on behalf of Perseus in any case (Polybios 29.19, 6).

[76] See Livy 42.47 for the negative response of at least some of the senators to the Roman deceit practised on Perseus in 172; the senators (or Livy) contrasted this *nova sapientia* with *iusto ac pio…bello* (42.47, 8; cf. Diod. 30.7, 1: P.S. Derow, "Rome, the Fall of Macedon and the Sack of Corinth", in *CAH*² viii. 309 note 27 points out that this notice in Diodoros indicates that Polybios had made similar comments). Albert, *Bellum iustum*, 118–126 includes the 3rd Macedonian War among her list of *iniusta bella* (according to the Romans' own parameters); see also Chaniotis, *War in the Hellenistic World*, 178. On the harsh behaviour of the Roman commanders in Greece (and Greek protests to Rome, and the Roman response), see (*int. al.*) Livy 43.4–7; R.M. Errington, *The Dawn of Empire: Rome's Rise to World Power* (Ithaca, 1972), 213–218; Derow, "Rome, the Fall of Macedon and the Sack of Corinth", 311–312.

It is worth noting that at the time the Tarentines made their "demand" to the Romans and the Samnites, the conflict they were engaged in was one that the Roman annalists clearly suspected was not so legally "just" on the Roman side as desirable (hence the careful historiographical efforts to convert the Caudine Peace from a *foedus* into a *sponsio*; Livy 9.8–11; T.J. Cornell, "The Conquest of Italy", in *CAH*² vii/2. 370–371; G. Forsythe, *Livy and Early Rome* (Stuttgart, 1999), 70–71).

[77] Livy 44.14, 10 (who predictably presents it as a purely selfish Rhodian interest); Polyb. 29.19, 3; cf. 29.19, 7. Polybios' account of Rhodes in this period is of course not without its own problems; see Gruen, "Rome and Rhodes", 58–81; H.-U. Wiemer, *Rhodische Traditionen in der hellenistischen Historiographie* (Frankfurter althistorische Beiträge, 7; Frankfurt am Main, 2001).

[78] Livy 45.25, 2.

ion to what we (or the Greeks) might think of as friendly offers to settle destructive conflicts, so negatively that the Roman accounts of these offers became distorted into dictatorial and belligerent threats? The suggestion made has been that the unique Roman culture rested on an absolute presumption of Roman right in the international sphere, that Rome's cause was just and Rome's wars were just, and by definition her enemies were unjust, and that therefore the diplomacy of compromise simply did not and could not apply to Rome's conflicts.[79] This may offer a partial answer, and I believe it does allow us to see why Rome would have been open to deprecatory diplomacy, but not mediatory diplomacy.

Great powers—as opposed to middle or small states—are in general less likely to submit to third party settlement of their disputes; this is particularly so when there is power disparity between the disputants.[80] It has been rightly noted that the great powers of the Hellenistic Age, including Rome, never agreed to have their disputes arbitrated. But it is not so accurate to assert that the great powers of the Greek east never went to mediation, and it would certainly be incorrect to state that the Hellenistic kings responded to offers of mediation with anger or affront (though they might, and often did, respond with a cynical insincerity). Antiochos III and Ptolemy IV engaged in negotiations facilitated by various Greek states during the 4th Syrian War; Ptolemy IV and a number of Greek states attempted to mediate between Philip V and the Aitolians in the Social War; and several of the same mediating states appear in the negotiations between Philip and the Aitolians during the 1st Macedonian War. Most of these repeated efforts met with only limited success, or no success at all—but the point here is that it was not offensive for these states to make these offers to the kings. Indeed, in some cases, they were responding to a royal invitation. Nor was it even outrageous for Antiochos III, at the height of his power, to suggest that

[79] On Roman rejection of negotiation and compromise, rather than absolute victory, as a means of achieving peace, see Rosenstein, "War and Peace, Fear and Reconciliation at Rome", and Barton, "The Price of Peace in Ancient Rome". Kostial, *Kriegerisches Rom?*, 152, remarks—rather surprisingly—that with a few exceptions, those who attempted to bring about a mediated peace were viewed positively; it is perhaps significant that Kostial does not reference the Tarentine offer and touches only very briefly (150) on the Rhodian attempt.

[80] See Bercovitch, "International Mediation", 160; Kleiboer, "Understanding Success and Failure of International Mediation", 368; O. Richmond, "Devious Objectives and the Disputants' View of International Mediation: a Theoretical Framework", *Journal of Peace Research* 35.6 (1998), 712, 717.

he might agree to have Rhodes arbitrate (not mediate) the differences between himself and the cities of Lampsakos and Smyrna. The sincerity of this suggestion is highly questionable, of course, but Antiochos—who was surely as sensitive to his public image as any Roman could be—evidently did not feel that his stature was in any way diminished by a public concession to the possibility of third party diplomacy.[81]

Arthur Eckstein has recently argued that the Romans were not all that different from their Hellenistic neighbours—the latter too were aggressive, belligerent, and highly security-conscious.[82] But one area where he concedes that the Romans were indeed unique was in asserting

> that they were different from other peoples not so much on the basis of physical courage…as because of deep religiosity and fear of the gods; …even if concern for *bellum iustum* and the *pax deorum* only marginally restrained Roman interstate conduct, this was a religiously based restraint missing from Rome's contemporary rivals.[83]

Such a restraint, in Eckstein's view, was only marginal, yet it had a perceptible effect. In the context of third party diplomacy, we can suggest that this characteristic peculiar to the Romans—by virtue of which they saw their own wars as just and sanctioned by the gods—would also naturally militate against negotiated compromise once the Romans had resolved to go to war.

But there is a further dimension that we may touch on, one which may serve to reduce Rome's cultural isolation, and suggest that she was not quite so unique after all. The modern world too provides examples of states convinced of their own righteousness and antagonistic to pressures to compromise from the international community, states whose citizens are as sincerely convinced of the justice of their cause as the Romans ever were. The Romans are not the only people in history ever to cast an unfriendly eye on the would-be conciliator. In modern times, it has been laid down specifically that attempts to offer good offices or

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[81] For sources and discussion, see Ager, *Interstate Arbitrations*, nos. 52, 53, 57, 77. The Greek record does offer one example of a king responding to a mediation suggestion with affront: Agesipolis of Sparta was allegedly offended at the notion that the small state of Megara (suggested by Athens as a mediator) could be seen as superior in its knowledge and exercise of justice to the Spartans themselves (Plut., *Mor.* 215c; Piccirilli, *Gli arbitrati interstatali*, no. 38). It is perhaps significant that the Spartans, like the Romans, were a society noted for both their militarism and their religiosity.

[82] Eckstein, *Mediterranean Anarchy* (2006) and *Rome Enters the Greek East* (2008).

[83] Eckstein, *Mediterranean Anarchy*, 220.

conciliation or mediation are not to be seen as unfriendly acts.[84] This is to be the case even when such offers are made during the course of active hostilities. Lurking behind such a proviso, of course, is the reality that frequently such offers are seen as precisely that: in spite of any sense we (or mediators of the past) might have that an effort to establish a state of peace for all is a fundamentally amicable one, it is clear that third party intervention is often perceived as unfriendly. Otherwise, such a stipulation would be unnecessary.

Why such an offer should be perceived as unfriendly, rather than helpful, is another matter. One reason, of course, particularly in the case of a mediator who seeks to intervene in the midst of active hostilities, is that such an intervention may operate against a belligerent's military interests.[85] But a more fundamental reason for the perception of third party intervention as unfriendly is that, as we saw earlier, it generally adopts a stance of impartiality. As such, each belligerent can feel that the would-be mediator is insufficiently friendly towards their own cause (which they naturally feel to be 'right').[86] As Robert Bauslaugh points out, "to this day, neutrals are often stigmatized as 'passive supporters' of injustice by one belligerent side or the other, each convinced that its cause alone is 'just'."[87] Impartial mediators, rather

[84] The Hague Convention on the Pacific Settlement of International Disputes (Hague I, 1899), Article 3: "Powers, strangers to the dispute, have the right to offer good offices or mediation, even during the course of hostilities. The exercise of this right can never be regarded by one or the other of the parties in conflict as an unfriendly act." See Plano and Olton, *The International Relations Dictionary*, 256; R.-L. Bindschedler, "Good Offices", in R. Bernhardt and P. Macalister-Smith (eds.), *Encyclopedia of Public International Law* (1992), 721–725.

[85] Both Gruen, "Rome and Rhodes", 58–81 and Eckstein, "Rome, the War with Perseus, and Third Party Mediation", 414–444 argue that Lepidus' advice to Ptolemy VI's envoys was premised simply on the grounds that it would be "undiplomatic" to offer mediation at a time when Rome was not doing well in military terms; cf. also Gabrielsen, "Rhodes and Rome", 156–157 n. 20. Given that the Romans expressed themselves as offended by the Rhodian offer specifically on the grounds that it was made at a time when their *enemy* was not doing well, this is tantamount to saying that it was *never* going to be diplomatic to offer mediation to the Romans (which is precisely my point).

[86] Cf. Richmond, "Devious Objectives", 717: both disputants "will expect their own agenda to receive the mediator's support while being sensitive to bias favouring the opposition."

[87] R.A. Bauslaugh, *The Concept of Neutrality in Classical Greece* (Berkeley, Los Angeles, Oxford, 1991), 77. On Rome's intolerance of neutrality (in the eyes of a Greek), see Livy 32.21, 37 and H. Grassl, "Probleme der Neutralität im Altertum", *Tyche* 6 (1991), 51–59. Scholarship on contemporary mediation points out that mediators need not necessarily be "neutrals" (indeed, mediators with a pre-existing relationship with one

than being seen as benevolent citizens of the *oikoumené*, concerned to establish a state of peace beneficial for all, can be perceived as amoral self-servers, intent on securing their own narrow ends. The very impartiality implied by the Rhodian offer would have struck the Romans as a betrayal of their *amicitia*, an *amicitia* founded on Roman favours and erstwhile Rhodian gratitude.[88]

The Romans are thus not entirely alone in adopting the attitude of suspicion and antagonism towards third party intervention, or towards the concept of neutrality in general. Hence, rather than classifying them as completely 'unique' in this regard, perhaps it would be more accurate to suggest that they stood towards the far end of a continuum of common human behaviour. Both Greeks and Romans believed in concepts of justice as applied to war and diplomacy; both Greeks and Romans engaged in third party diplomacy; and both Greeks and Romans employed sincerity and cynicism in their diplomatic dealings. But the Greeks and the Romans often stood rather far apart on this 'continuum', and if there were clearly times when it suited Rome to be gracious to Greek diplomatic initiatives, there were also times when it suited her to fall back on her stance of *iustum bellum*, and express outrage at Greek arrogance and presumption. In the final analysis, the choice was always and ever up to her. The Romans—and their gods—were always the only real arbiters of their own behaviour.

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or both parties may be seen as more effective), but for the purposes of the task of mediation itself, they do need to present themselves as impartial. See S. Touval and I.W. Zartman, *International Mediation in Theory and Practice* (Boulder and London 1985), 255–258; Bercovitch, "International Mediation", 163–164; Kleiboer, "Understanding Success and Failure of International Mediation", 366–370.

[88] See Burton, "*Clientela* or *Amicitia*?", 356–365; J.-L. Ferrary, "Le monde hellénistique et Rome", 53.

PUBLIC OPINION, FOREIGN POLICY AND 'JUST WAR' IN THE LATE REPUBLIC

Alexander Yakobson

I

Before discussing Roman public opinion and Rome's foreign policy, it is important to establish whether the former had a significant impact on the latter. Many accounts of the Roman Republic provide, at least by implication, a rather negative answer to this question—not only because the people's political role in general is often minimized, but more specifically since it is widely accepted that the foreign policy of the Republic was run largely by the Senate. It can be argued that in some ways in the late Republic, the power of the Senate, as opposed to that of the people, to shape the conduct of foreign policy was strengthened still further. The Senate, naturally, took most of the decisions on running the empire. At the same time, the people's traditional control over the decision to start a war disappeared, somewhat mysteriously, some time during the first half of the second century, and we no longer hear of the assemblies being asked to declare war. Moreover, trials before the people—which sometimes could operate as another traditional method, indirect but powerful, of public control over foreign and especially military affairs (through the prosecution of former magistrates and pro-magistrates) virtually disappeared in the last decades of the Republic.

But the people retained their power to legislate, and in the late Republic they were apt to use this power not in accordance with the wishes of the majority of the Senate—more so than in earlier, more 'harmonious', times. Laws passed by the assemblies repeatedly affected the running of the empire and foreign policy. While determining and guiding the policy of the state could always be claimed to be the proper function of the Senate, there was no easy way to delimitate between the senatorial control of '*consilium*' and the people's control of legislation. Moreover, popular legislation could go far beyond the establishment of general norms and rules (as was the case with *de repetundis* laws). This mechanism was repeatedly used in order to confer 'extraordinary

commands' on powerful and popular individuals—Pompey and Caesar are the most famous examples. Clodius, as tribune in 58, carried various laws dealing with imperial matters, including the annexation of Cyprus. This tool was flexible enough to enable the assemblies sometimes to make what we would normally define as policy decisions (that were usually the province of the Senate), rather than genuinely legislative ones. The 'Piracy law', dating perhaps from 101 BC, with its detailed instructions to magistrates and pro-magistrates on policy and administrative matters, is a case in point.[1]

The political potential of the people's power of legislation in the sphere of foreign policy is demonstrated by a little noted case reported by Sallust. The radical tribune Memmius (111 BC), made a fiery speech before the people, attacking the Senate for mishandling the war with Jugurtha. So far from accepting any exclusive senatorial control of what we would define as foreign affairs, Memmius is presented as taking it upon himself, and calling on the people, to defend the authority of the Senate itself, allegedly betrayed by corrupt nobles: *Hosti acerrumo prodita senatus auctoritas, proditum imperium vostrum est* (*Jug.* 31.25). He induces the people to send the praetor Lucius Cassius to Numidia, charged with the commission of bringing Jugurtha to Rome, so that he might testify before the assembly and expose the corruption on the part of those who had accepted the king's (allegedly fraudulent) surrender. To the consternation of the entire nobility, the bill was passed (*perlata rogatione a C. Memmio ac perculsa omni nobilitate*). Jugurtha was brought from Numidia and 'produced' before a *contio*, though in the end another tribune used his veto to prevent him from speaking (32).

Memmius' rogation looks more like an Athenian *psephisma* than like a legislative act. It is true that the popular will was eventually frustrated in this case. But in 109 another tribune, Gaius Mamilius, would carry a law setting up the notorious Mamilian *quaestio*,[2] staffed by 'Gracchan jurors'. It sent a number of nobles into exile, acting, according to

[1] See M. Hassall, M. Crawford, and J. Reynolds, "Rome and the Eastern Provinces at the End of the Second Century B.C.: the so-called 'Piracy Law' and a New Inscription from Cnidos", *JRS* 64 (1974), 195–219. On the annexation of Cyprus, see E. Badian, "M. Porcius Cato and the Annexation and Early Administration of Cyprus", *JRS* 55 (1965), 110–121.

[2] The *quaestio* was empowered to deal not just with charges of bribery, but with various aspects of the (mis)conduct of the war: "quorum consilio Jugurtha senati decreta neglegisset, quique ab eo in legationibus aut imperiis pecunias accepissent, qui elephantos quique perfugas tradidissent; item qui de pace aut bello cum hostibus pactiones fecissent" (*Jug.* 40.1).

Sallust, in a grossly partisan spirit: *aspere violenterque ex rumore et lubidine plebis* (*Jug.* 40.4). In the following year, the centuriate assembly elected Gaius Marius for the consulship of 107. His campaign was heavily influenced by arguments about the conduct of the war, with 'seditious tribunes' haranguing the populace on behalf of Marius and attacking his optimate opponents (*Jug.* 73. 3–7). This is a rather rare case, in the late Republic, in which a 'foreign-policy' debate is known to have directly influenced the outcome of an election (perhaps because in the last decades of the Republic consuls were usually not expected to fight wars during their year in office).[3] The tribal assembly then passed a law that gave Marius the command in Numidia, setting aside the decree of the Senate which had prolonged Metellus' command there (*Jug.* 40.7).

Throughout Sallust's entire account of the Jugurthine war, the people—the plebs, meaning principally the urban populace—are described as taking keen interest in what is happening in Numidia, and making full use of their powers in order to influence the course of events. Even before the direct interference of the assemblies is mentioned, the Senate is described as being moved by the fear of public opinion.[4] Clearly, the Senate's alleged exclusive control of foreign policy was impossible to preserve once public opinion was sufficiently aroused. This case also shows how closely 'external' and 'internal' matters were interconnected. Memmius, after all, could not pursue his campaign against his 'domestic' rivals and opponents, and against senatorial corruption, without interfering in what we would define as foreign affairs. War and empire were central to the life of the Roman state. They influenced every aspect of Roman society and politics, and were in turn influenced by them. An exclusive control by the Senate over 'foreign policy' as a whole (it is perhaps not insignificant that the term does not exist in Latin) could hardly be maintained as long as the people had some power in the state.[5] Indeed, the people's traditional control over the

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[3] But compare the irregular election of Scipio Aemilianus to the consulship of 147, obviously reflecting the people's discontent with the conduct of the war against Carthage, and the expectation that he would take charge of it; see A.E. Astin, *Scipio Aemilianus* (Oxford, 1967), 61–69.

[4] See, e.g., *Jug.* 15.5;. 25.5; 27.2–3; 30.1; 39.1–2; 39.4 (a consul is prevented by the tribunes of the plebs from leaving for Africa with the force he had raised); 40. See R. Morstein-Marx, *Mass Oratory and Political Power in the Late Roman Republic*, (Cambridge, 2004), 237 n. 146; on the impact of public opinion and popular agitation on the Jugurthine war, see Harris, *War and Imperialism*, 251–252; A. Lintott, "The Roman Empire and its Problems in the Late Second Century", ch. 2 in *CAH*² ix. 30.

[5] This is to some extent a circular argument, given the ongoing controversy on the

decisions on war and peace, and over treaties with foreign states, certainly went to the heart of 'foreign policy'.

In the late Republic, the people's interference in what we would call 'foreign affairs' can in no way be described as exceptional. It is noteworthy that when Cicero, wearing his optimate hat, comes close to formulating a general doctrine that imperial affairs are the exclusive province of the Senate, his very words show that he is on rather shaky ground as far as historical precedents are concerned. Cicero is attacking Vatinius for his law *De Caesaris provincia* in 59, which, in addition to conferring on Caesar his extraordinary *imperium*, allowed him to appoint *legati* without consulting the Senate:

> You have deprived the Senate of the right of assigning provinces, of appointing commanders, of administrating the Treasury. These things the Roman People never desired for itself; it has never attempted to transfer to itself the control of high policy of state (*quae numquam sibi Populus Romanus appetivit, qui numquam ad se summi consilii gubernationem transferre [auferre*, mss.*] conatus est*). Granted that something of this kind has been done in other cases (*age, factum est horum aliquid in aliis*); rarely, but sometimes, the People has appointed a general (*deligeret imperatorem*); but who ever heard of the appointment of *legati* without a decree of the Senate? (*Vat.* 36).[6]

It was obviously the popular election of an *imperator* (pre-empting or setting aside the assignment of consular and praetorian provinces by the Senate) that entailed interference, on the part of the people, with matters of 'high policy'[7]—to a much greater extent than allowing him to appoint his own legates without reference to the Senate (however much the latter was obnoxious from the senatorial point of view). But even in this highly polemical context Cicero cannot seriously insist that such interference was unprecedented. Indeed, respectable precedents for this could easily be found in the 'good old days' before the Gracchi. Listing some of these (from the known cases during the Second Punic War[8] to the tribunician law which put Scipio Aemilianus in charge of

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nature of the Republican political system, which is beyond the scope of this paper. But the case of the Jugurthine war and its political ramifications speaks largely for itself.

[6] Cf. Cic. *Dom.* 24. Translations will usually follow the Loeb edition.

[7] 'Summum consilium' does not refer specifically to foreign and imperial matters, though these come most naturally under this heading.

[8] Cf. Livy 28.40.1–2: Scipio (future Africanus) consul 205, threatens to obtain from the people the authorization to take his army to Africa, if the Senate persists in its objections. This would certainly have involved the people in deciding an 'external' issue of the highest importance. A tribune's threatened veto probably indicates that such a

the Third Punic War in 147),[9] E. Gruen has argued that the notion, shared by many scholars, that the people's involvement in the bestowal of extraordinary commands in the late Republic 'entailed usurpation of senatorial prerogatives' is 'a red herring. Certainly the determination of provincial assignments and the general supervision of foreign policy belonged in the hands of the senate. It was a matter of convenience and expertise. But the Roman people never yielded up its sovereignty in this area or any other. The assemblies exercised jurisdiction in provincial affairs when they saw fit. And occasions of popular intervention long predate the late Republic.'[10]

From what we know about the debates which accompanied the passing of *Lex Gabinia* in 67 and *Lex Manilia* in 66,[11] it does not seem that the optimates opposing those laws based their case on the claim that the people should not interfere with the conduct of foreign policy—though they were certainly appealing to the *mos maiorum*. This seems significant, though we cannot be quite sure that this claim was not put forward on some other, unattested, occasion. According to Cicero (*Leg. Man.* 52), Quintus Hortensius' line of argument against the bill was: "if all things are to be handed over to one man, Pompey is the right man; but all things should not be handed over to one man". The argument is about excessive power being conferred on a single individual, not about the people's (lack of) competence to deal with such matters—though in the optimate thinking the two things were no doubt closely connected,

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procedure was at least arguably untraditional. But the Senate eventually gave way. Any traditional norm that regulated those matters was evidently not iron-clad.

9 See on this Astin, *Scipio Aemilianus*, 67–68 (sources in note 2). The tribune proposed his bill after the second consul had asked that lots should be cast: "once again the accepted constitutional procedure was overridden in order to secure the appointment of the man who commanded popular favour".

10 E.S. Gruen, *The Last Generation of the Roman Republic* (Berkeley, Los Angeles, London, 1974; repr. 1995), 539–540. The fact we hear more about laws fixing promagisterial commands in the last decades of the Republic (although this still happened only in a small minority of cases) "may be a function of increased intensity in political contests—or simply a consequence of our more abundant information on the Ciceronian age" (540, with a list of known cases). Cf. R.T. Ridley, "The Extraordinary Commands of the Late Republic", *Historia* 80 (1981), 280, arguing that these commands were less extraordinary, in various ways, than is often supposed.

11 For a survey of the two debates, see Morstein-Marx, *Mass Oratory*, 179–183; C.E.W. Steel, *Cicero, Rhetoric and Empire* (Oxford, 2001), 114–123. On tribunician legislation "used to shape military commands and the management of the empire" in the last two decades of the Republic, see F. Millar, *The Crowd in Rome in the Late Republic* (Ann Arbor, 1998), 77ff.; 124ff.

not without reason. Of course, Cicero is not necessarily giving a full and accurate account of his opponent's arguments. But if Hortensius had said anything that could be construed as diminishing, as it were, the majesty of the Roman People and its legislative sovereignty, we may safely assume that Cicero would have presented this argument to his popular audience in the most invidious light possible. In fact, Cicero does make the argument, eminently suited to a *contio*, that 'these *principes* should at last admit that they and all other men must bow to the authority of the Roman people' (*Leg. Man.* 64). But the *principes* are not accused of having dared to deny this principle explicitly. Cicero's point here is that, since everybody now agrees that the people made the right decision when they entrusted Pompey, over optimate objections, with the conduct of the war against pirates, the people should, with all due respect to Catulus and Hortensius, trust their own judgement in the present case as well. The issue is, clearly, how far the people should be guided by the *auctoritas* of eminent men in making their decision; their right to make the decision was evidently unquestioned.

Indeed, R. Morstein-Marx has convincingly shown that any argument which sounded obviously 'anti-popular'—in this case, denying the people's competence to make the decision—had, as a rule, no place in a late-Republican *contio*.[12] It is thus perhaps not really surprising that the opponents of the law did not attack it on such self-defeating grounds in speeches before the people. But had they raised this argument in opposing Pompey's command in the Senate, (in 67 or in 66) Cicero would presumably have 'exposed' them before the people (just as he would later tell the assembled people that the radical tribune Rullus had tried to defend his agrarian bill in the Senate by saying that the urban plebs should be 'drained off' like so much sewage: *Leg. Agr.* 2.70). The argument from silence seems not inappropriate in this case. On the assumption that there was a definite doctrine according to which the people had in principle no business interfering in what we would define as 'foreign affairs', it is on these two occasions, if ever, and in the Senate, if anywhere, that we would have expected it to be voiced clearly and forcefully.

Catulus' argument, according to Cicero, was that 'no innovation be made contrary to usage and the principles of our forefathers (*ne quid novi*

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[12] Morstein-Marx, *Mass Oratory*, 204ff. This is likely to apply, in some measure, to earlier times as well—even if late-Republican *contiones* were particularly turbulent and intolerant of any open defiance of the people's will.

fiat contra exempla atque instituta maiorum)' (*Leg. Man.* 60). For the reasons just indicated, the 'innovation' probably had to do with the excessive power conferred on Pompey, rather than with the assembly making the decision. Cicero mentions the rhetorical question which Catulus had put to the people when he was opposing the *Lex Gabinia* in 67—'on whom would you set your hopes if anything should happen to Pompey, in the event of your staking everything on him' (*Leg. Man.* 59). For what it is worth, Dio's account of the speech (36. 31–36)[13] presents his whole case as based on opposition to the excessive and untraditional concentration of power in the hands of a single individual. It is true that Catulus is also said to have remarked that annual magistrates elected by the people should not be replaced by extraordinary commands entrusted to private individuals (33). This would be the most 'popular' way possible to object to legislative interference with provincial commands. But Catulus' actual advice to the people in this case, according to Dio, was to elect several commanders for the conduct of the war against pirates, rather than one (36.1–4).[14] This should perhaps be taken seriously: L. Roscius, an optimate tribune who also opposed the law—or rather tried to oppose it, faced with the crowd's loud hostility—is said to have indicated by a gesture that two commanders should be chosen, rather than one.[15] If such a proposal was made, it must have been aimed at sabotaging Pompey's appointment; but it also entailed acknowledging the legitimacy of extraordinary commands conferred by the people.

The *optimates* of the late Republic—and, no doubt, most senators at all times—must have felt that decisions on such weighty and complicated matters as war and peace, negotiations with foreign rulers and the administration of the provinces, should be made by the Senate or at any rate on the basis of its *consilium*. This was part of their desire to guide and shape, as much as possible, Rome's public policy (not just 'foreign policy'). The traditional policy-guiding function of the Senate and the people's legislative power coexisted, overlapped and sometimes clashed; no precise border-line could be drawn between them. When laws dealing with such matters were submitted to the people without the Senate's

[13] Cf. Plut. *Pomp.* 25.5.

[14] This is followed by a lacuna in the manuscript. But Dio could hardly have made Catulus argue that the people have in any case no business electing *imperatores*, after suggesting that several ones be elected on that occasion.

[15] Dio 36.30.3–4; Plut. *Pomp.* 25.6. Cf. Steel, *Cicero, Rhetoric and Empire*, 117 note 10.

prior approval, they were apt to be opposed (far from always effectively) as contrary to *mos maiorum*—chiefly, though not solely,[16] on the grounds that they bestowed excessive powers on individuals. Closely connected with this objection, though not quite identical, was the opposition in principle to *imperia extraordinaria*. This, it should be stressed, was not simply another way of saying that the Senate, rather than the assembly, should make the decision. At least in theory, it applied to senatorial decrees no less than to laws. Pompey's command in Spain against Sertorius, conferred by the Senate, was opposed by many senators on those grounds (*non oportere mitti hominem privatum pro consule*: Cic. *Leg. Man.* 62). In 44 Cicero opposed a motion in the Senate bestowing on P. Servilius a special command against Dolabella (*Phil.* 11. 17–18). He objects to extraordinary commands in principle: *nam extraordinarium imperium populare atque ventosum est, minime nostrae gravitatis, minime huius ordinis*. Cicero claims (with little regard to historical veracity, but presumably in accordance with his true 'constitutional' instincts, at any rate at that stage) that he had always regarded such commands as dangerous—unless necessary (*nisi cum est necesse*). This qualification, as well as the historical survey which follows, including instances of such commands bestowed by the Senate as well as the people, make it clear that there was nothing iron-clad about this principle even in theory—much less in late-Republican practice.[17]

No doubt, many optimates were willing to be more flexible when it was the Senate, rather than the assembly, that was asked to determine that there was a 'necessity' that justified a departure from usual procedures. The traditional opposition to extraordinary commands was inevitably 'biased' against interventions by the assembly. But when modern scholars, relying largely on this opposition, describe the Senate's exclusive control of 'foreign policy' as one of the fundamental

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[16] In denouncing the 'confiscation' of Cyprus carried by Clodius, Cicero stresses the abuse of legislative procedure involved in imposing the harsh punishment on an 'innocent' king without a proper hearing: "lege nefaria… regem Cypri… causa incognita publicasses populumque Romanum scelere obligasses" (*Dom.* 20; cf. *Sest.* 57; 59). Since it was the Senate rather than the assemblies that received foreign ambassadors and rulers, it could be claimed that it was the proper forum for making such decisions if they were to be made 'causa cognita'.

[17] Cicero argues at length that if the Senate is to choose the commander (rather than entrusting this function to the consuls), this would introduce the 'canvass' (*ambitio*) into the Senate, which he finds highly inappropriate (19). The power of the Senate versus that of the people was evidently not the only issue at stake in the arguments over extraordinary commands. See also Cic. *Dom.* 18–19.

principles of Rome's traditional constitution, they go too far. No such general rule was observed in practice, and it is doubtful whether such a doctrine (which would have had to go far beyond the question of provincial commands), openly and clearly articulated, could ever have commanded wide acceptance.

Thus, the repeated instances of the assemblies interfering in the conduct of Rome's foreign policy in the last century of the Republic need not be regarded as a late-Republican aberration testifying to the collapse of traditional constitutional norms.[18] E. Badian has virtually equated Tiberius Gracchus' announced intention to settle the question of King Attalus' bequest of his kingdom to Rome through the tribal assembly with the 'Beginning of the Roman Revolution': once Tiberius took this step, 'he could no longer claim to be acting within the constitution. Foreign affairs as well as finance had always been left to the senate to deal with: that (and particularly finance) was recognised by Polybius, i.e., by his Roman friends.'[19] Indeed, Polybius is more unambiguous on the question of finance. Describing the powers of the Senate, Polybius says that 'in the first place, it has the control of the treasury, all revenue and expenditure being regulated by it' (6.13.1); he later stresses that this is the most important power of the Senate (14.2). He makes no similar general statement about the control of 'foreign (or 'imperial') affairs'. The assignment of provinces by the Senate is not mentioned at all (possibly because governors were usually appointed by lot); though later on he does mention the Senate's power of prorogation (6.15.6). Polybius relates that the Senate is in charge of dispatching embassies to foreign countries and receiving embassies from them. This control of diplomacy naturally gave the Senate a vital role in the conduct of foreign and imperial affairs, and Polybius adds that 'many of the Greeks and many of the kings' are convinced that Rome is an aristocracy, 'since the Senate manages all business connected with them' (13.6–9).

As for the people, they 'have the power of approving or rejecting laws, and what is most important of all, they deliberate on the question

[18] See, e.g., T.P. Wiseman, "Caesar, Pompey and Rome, 59–50 B.C.", *CAH*^{2} ix. 379, on Clodius' legislation dealing with external matters in 58: "happy to usurp the Senate's traditional role in foreign policy, the assembly passed both laws".

[19] E. Badian, "Tiberius Gracchus and the Beginning of the Roman Revolution", *ANRW* 1.1 (1972), 713. Badian regards this as Tiberius' first clear violation of the Republican 'constitution', which set in motion the chain of events leading to the final catastrophe.

of war and peace. Further in the case of alliances, terms of peace, and treaties, it is the people who ratify all these or the reverse' (14.10–12). It does not follow from this description that there was anything blatantly 'unconstitutional' about the people using their power of legislation in order to tackle issues of foreign policy. In fact, the people's very decisions on war and peace, as well as on treaties with foreign powers, were, technically, acts of legislation. Traditionally, the people's votes on those matters were preceded by senatorial decrees. But Polybius relates the people's vote, in 264, for the decision leading to the First Punic War which had not been sanctioned by the Senate (1.11.1). Had Polybius had a clear concept of 'foreign policy' as the exclusive province of the Senate, he might perhaps have found this procedure sufficiently 'unconstitutional' to comment upon. Polybius stresses the people's wide discretion in using their legislative power, even mentioning the possibility of laws specifically meant to deprive the Senate of some of its traditional authority (16.3). Moreover, a measure bestowing imperium on an individual by the vote of the assembly, while it was open to criticism as 'extraordinary' by its opponents, was apt to be regarded by its supporters as an exercise of the people's fundamental right, in Polybius' words, to 'bestow office on the deserving' (14. 9).[20]

Thus when a Roman politician—whether Memmius in 111 or Cicero in the 60s—addressed the people on foreign policy issues, he could, if he so chose, treat them as any other political controversy, assuming as a matter of course (rather than having to defend explicitly) the Roman People's right to be the ultimate judge and arbiter. It has been suggested that Cicero, in his speech *De Lege Manilia*, sought to 'shift the audience's focus away from the difficult question of extraordinary commands' and avoided giving 'a serious and convincing refutation of the constitutional objections to the law', because this 'would have involved asserting the primacy of popular legislation in matters of foreign policy' (so as not to

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[20] Cf., e.g., Cic. *Leg. Man.* 49–50. It has been argued that when a new function had to be created (such as Pompey's sea command in 67), a double vote by the assembly was considered necessary—creating the new function, and then selecting the man to perform it: see Ridley, "The extraordinary commands", 281. This is plainly indicated in Dio 36.23.4–5 (though Dio is not always reliable on such matters) and perhaps implied in *Leg. Man.* 52.5. Ridley compares the late-Republican bestowal of commands by *leges* to "*[p]rorogatio* [that] had originally been managed by the *comitia*, since it called for a reaffirmation of the people's choice in the election a year earlier. After more than a century, this reappointment came to be the senate's prerogative… The late Republic saw a return to a comitial lex" (Ridley, "The extraordinary commands", 294–295).

make his speech too provocatively *popularis*).[21] Cicero's ability to dodge and misrepresent difficult issues should not of course be doubted. But in this case it does not seem that his audience needed to be persuaded that it had the right to decide the issue at hand; and had any objection to this right been raised by the opponents of the bill, it would probably have served Cicero's rhetorical purpose to overstate rather than to dodge it.

II

What, then, did the popular audience need to be persuaded of? It may be asked whether the assemblies' decisions affecting foreign policy reflected, in any real way, public opinion on matters of foreign policy as such, as opposed to popular support for the 'great men' who received their commands through legislation. Sallust's account of the Jugurthine war describes the populace as keenly interested in what was happening in Numidia. The Roman plebs in the late second century, could, according to this account, be swayed by arguments that dwelt on the honour and safety of the empire. But the 'mob' of the last decades of the Republic, as it is portrayed in the sources and described by many historians, might be thought to have known and cared little about empire and foreign policy—unless, of course, its own material interests were directly involved (an important qualification). The people's vote, when it was not merely a ratification of a decision taken by the Senate (as was surely often the case when treaties were approved), might be a reflection of popular support for Pompey, or Caesar, or Clodius (who arranged extraordinary commands for others). In such a case the decision would be overwhelmingly a matter of internal politics rather than foreign policy.

We shall try to catch a glimpse of the people's attitudes to questions of foreign policy, in so far as these can be gauged, indirectly and imperfectly, from the content of the speeches delivered by members of the elite who addressed the people and, presumably, tried to tap to prevailing public sentiment. The methodological pitfalls involved in such an attempt are obvious, especially because what we have are of course merely published versions. But we have no better way of trying

[21] Steel, *Cicero, Rhetoric and Empire*, 126; 180.

to assess popular attitudes, and after all the published speeches, in P.A. Brunt's words, at least had to 'ring true.'[22] Cicero's speeches *in contione* are sufficiently different in tone from senatorial and forensic ones to confirm that even in the published versions he took account of the presumed attitude of his audience—and Cicero is, unsurprisingly, our star witness. Moreover, since the published versions were addressed to the reading public—i.e., mainly to the upper classes—we can assume that they were at any rate no more 'popular' in tone than the speeches actually delivered before the people.

Addressing the Roman people in a *contio* in his speech against the agrarian bill of 63, Cicero attributes to the proposer of the bill, P. Servilius Rullus, dark schemes in the various parts of the Roman world covered by it. Among other things, says Cicero,

> He [Rullus] often heard this matter discussed in the senate and sometimes from this place [*saepe in senatu, non numquam ex hoc loco*; i.e., from the Rostra]…that King Hiempsal [of Numidia] possessed some lands on the sea-coast, which Publius Africanus assigned to the Roman people: but that a guarantee was afterwards given to him concerning them by the consul Gaius Cotta. But because you [*i.e., the People*] did not order this treaty to be made, Hiempsal is afraid that it is not binding and ratified. However that may be, your judgement is done away with [*tollitur vestrum iudicium*], the entire treaty is accepted and approved [because the law recognized this piece of land as belonging to the King—in exchange for a bribe, according to Cicero] (*Leg. Agr.* 2.58).

The passage shows that the traditional power of the people to sanction treaties was far from being a mere formality in the late—very late—Republic. King Hiempsal is said to have felt insecure because the territorial concession that he had received from a Roman consul had not been ratified by the people, and Cicero expects that some *invidia* towards Rullus will result from presenting him as 'pre-judging', in his comprehensive agrarian measure, an issue that had to be decided by the *comitia*.

Moreover, and even more significantly, if this question—surely, a very minor point of foreign policy—was discussed not just in the Senate but,

[22] Brunt, "Laus Imperii", 290. Cicero's speeches, according to Brunt, "surely reveal the popular sentiments on which Cicero found it expedient to play". Morstein-Marx, *Mass Oratory*, stresses the upper-class speakers' ability to shape (rather than their need to reflect) public opinion when addressing the people in *contiones*.

repeatedly—*non numquam*—before the people, this is a strong indication that the involvement of the general public in the conduct of foreign policy was not confined to ratifications (which might of course be purely formal) of decisions made by the Senate, but included regular public debates.

A much more important issue of foreign policy in the 60s and the 50s was of course Egypt: the debate about King Alexas' will by which the Roman People allegedly inherited the kingdom, and the struggle over the restoration of king Ptolemy Auletes to his throne. These questions were repeatedly made the subject of legislative proposals (and once, in 59, of a law—recognizing Ptolemy Auletes as 'friend and ally' of Rome) and debated before the people in *contiones*; numerous sources attest to that. In the same speech *De Lege Agraria* (2.41), Cicero refers to the controversy:

> What about Alexandria and the whole of Egypt? … Who among you is unaware that it is said that, by virtue of the will of King Alexas, this kingdom became the property of the Roman people? Here I, the consul of the Roman people, not only pronounce no judgement on this point, but I do not even say what I think; for the matter seems to me not only important to decide, but even difficult to discuss. I see someone who asserts that the will has been made; I am aware that a decree of the Senate exists stating that it entered upon the inheritance at the time when, after the death of Alexas, we sent envoys to Tyre to recover a sum of money deposited there for them. I remember that Lucius Philippus [consul 91] frequently attested these facts in the Senate, adding that nearly everyone agrees that he who occupies the throne today neither by birth nor in spirit is like a king. On the other hand it is said that there is no will, that the Roman people ought not to show itself so eager to seize all the kingdoms upon earth [*dicitur contra nullum esse testamentum, non oportere populum Romanum omnium regnorum appetentem videri*], that our citizens are likely to emigrate to that country, attracted by the fertility of the land and its abundant supplies of everything. Shall this important affair be decided by Rullus and his colleagues the decemvirs?

Not merely the general question of Egypt, but various details of the ongoing controversy are assumed by Cicero to be to be a matter of common knowledge. The prospect of this important issue of foreign policy being decided by the *decemviri* without reference to the people is expected to provoke popular resentment.

Morstein-Marx, in his recent book on the contional oratory in the late Republic, speaks of the 'remarkably elliptical way' in which Cicero refers to this controversy in his speech before the People. All the complicated details surrounding it, including the sending of Roman envoys

to Tyre, are assumed to be matters of common knowledge. Cicero assumes familiarity, on the part of his listeners, with events reaching back sixteen or twenty-three years (depending on which of the two homonymous kings are meant). "Such a presumption of knowledge clearly rests on the fact that the relevant questions received much public ventilation" in previously-held *contiones* (cf. 44).[23]

Morstein-Marx rightly regards this passage as confirming his thesis, based on an analysis of contional rhetoric, that the Roman people addressed by orators was no 'ignorant mob': "[T]he acquaintance of the plebs with the traditions and workings of the Republic would probably compare favorably to that of the citizens of many a modern democratic state."[24]

This applies to foreign policy as well. Both *De Lege Agraria* and *De Lege Manilia* seem to assume a relatively high degree of 'foreign-policy' knowledge on the audience's part. That Cicero should mention numerous major wars fought by Rome in the past, as well as the names of Rome's famous adversaries in those wars, is only natural. More noteworthy are such details as the status of King Hiempsal's lands on the sea-coast or the Roman envoys once sent to Tyre. Moreover, Cicero mentions an impressive number of foreign, sometimes relatively obscure, names of peoples and cities.[25] One wonders how many of such names would be mentioned in a major foreign policy speech addressed by a modern leader to the people (i.e., in a TV appearance).

A note of caution is perhaps called for: we cannot be quite sure that Cicero, if indeed he mentioned those details and names in the speeches actually delivered before the people, really assumed that his audience would know them all. Perhaps, at least in some cases, he merely assumed that the people wanted to be treated, by those who addressed them, as if they could be expected to know—and to care: i.e., as knowledgeable, respectable and responsible citizens and not as

[23] The tribunician bill of 65: Suet. *Iul.* 11; Plut. *Crass.* 13.2. On the 'Egyptian question' and Roman politics in the 50s, see Wiseman, "Caesar, Pompey and Rome", 391–393. Millar, *The Crowd in Rome*, 159 comments on a fragment from Fenestella (frag. 21 Peter) describing 'repeated *contiones*' on the Egyptian question in 57, with attacks by a tribune against a consul and against the Egyptian king: "[the passage] perfectly captures the now established role a tribune could hope, by rousing popular feeling, to play in foreign policy".

[24] Morstein-Marx, *Mass Oratory*, 113–114; 118.

[25] See, e.g., *Leg. Man.* 20–22; 33; 35; *Leg. Agr.* 2.39–40; 50–52; 57–58. Cf. *Leg. Agr.* 2.66; 71; 86; 96–97 (places in Italy).

an 'ignorant mob'. But even if we are dealing here with rhetorical conventions on how the Roman people should be addressed, rather than with any direct reflection of Cicero's audience's level of knowledge and its attitudes—this is nevertheless not insignificant: a truly 'ignorant mob', lacking all civic consciousness, would presumably have cared for none of these things.

Cicero's rhetoric gives the impression that the people expected to hear serious and detailed arguments pertaining to the conduct of Rome's foreign and imperial policy—not just an assurance, for example, that by sending Pompey to the East they would greatly enhance the power and prestige of a man considered as 'the people's friend'. So far from merely relying on Pompey's obvious popularity with his audience, Cicero goes to great lengths to assure it that the bill in question is necessary for the good of the state, for the defense of Rome's empire and her allies. A surprisingly large part of the speech on Pompey's command consists of Cicero assuring his hearers that Pompey, unlike other Roman generals, can be relied on not to oppress the allies:

> Words cannot express, citizens, how bitterly we are hated among foreign nations owing to the wanton and outrageous conduct of those whom of late years we have sent to govern them…Wherefore, even if you possess a general who seems capable of vanquishing the royal army… still, unless he be also capable of withholding his hands, his eyes, his thoughts from the wealth of our allies, from their wives and children, from the adornments of temples and of cities, from the gold and treasure of kings, he will not be a suitable man to be sent to the war against an Asiatic monarch… Then hesitate no longer to entrust supreme command to this one man, the only general found in all these years whose allies rejoice to receive him and his army into their cities.[26]

Cicero puts great rhetorical emphasis on this point, and dwells on it at greater length than on the danger of Rome losing her tax revenues from Asia, or on the need to protect the fortunes of Roman *publicani* and businessmen in that province.[27] The prominence accorded to this theme in the speech[28] may well reflect rhetorical conventions (as well as, conceivably, Cicero's own concerns), rather than be a direct reflection of what arguments, in the orator's estimation, would be most likely to

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[26] *Leg. Man.* 65; 67–68. Cf. 13; 37–41; 64–66.

[27] *Leg, Man.* 3–4; 14–16, 17–19.

[28] Not always reflected in scholarly accounts of Cicero's argumentation: cf. Steel, *Cicero, Rhetoric and Empire*, 130–135; 148–154.

move his audience. But, again, the very existence of such rhetorical conventions is significant. That "the urban plebs… could apparently be moved by the glamour of imperial glory"[29] is hardly surprising; Cicero's repeated appeals, throughout the speech, to his listeners' sense of pride in the empire do not, in themselves, refute the 'ignorant mob' stereotype (except in its most extreme and unrealistic form). But it is less self-evident that the crowd assembled in the Roman Forum needed—or was conventionally assumed to need—emphatic assurances regarding the treatment of Rome's allies. Brunt notes that Cicero dwelt on the need to treat Rome's allies fairly not only when he was expressing his private views or addressing his friends, but also when he addressed both upper-class and popular audiences: "[he] surely supposed that denunciation of misrule [in the provinces] would evoke indignation—Pompey in 71, he tells us (I Verr.45) had actually roused the people in this way", and stressed, in praising Pompey before the People, his fair treatment of Rome's allies as strongly as his generalship. Moreover, Cicero "does not add in this encomium that [Pompey's] behaviour would strengthen Roman rule".[30] The demand that the allies be treated fairly is able to stand, rhetorically, on its own feet; it does not necessarily have to be justified by appeals to Rome's (enlightened) self-interest.

Going back now to Cicero's passage describing the ongoing debate on the future of Egypt (*Leg. Agr.* 2.41): the arguments of both sides enumerated by Cicero are surely not meant to tell the audience anything new. He is merely reminding the people of what they must have heard on numerous occasions. The arguments, then, are about whether or not the testament was indeed made (a point that was disputed despite a senatorial decree affirming this fact); the question of whether Ptolemy Auletes was worthy of his crown; the fear that a wealthy country like Egypt might attract Roman immigration if annexed; and, remarkably, the claim that "the Roman people ought not to show itself so eager to seize all the kingdoms upon earth".

Money is not mentioned. Not that it could have been absent from the debates: in 65, in a speech apparently made in the Senate, Cicero asked, indignantly, whether Rome's way to "regard as enemies those who give us money, and enemies of those who do not" (Cic. *Reg. Alex.*

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[29] Brunt, "Laus Imperii", 291 (commenting on *De Lege Manilia*).
[30] Brunt, "Laus Imperii", 319.

frr.1–2). The greed of those who favoured the annexation,[31] and, on the other hand, the prospect of greatly increasing the revenues for the Roman people—all this must have figured prominently in the debates both in the Senate and before the People. But Cicero, reviewing the debate in a non-partisan spirit, prefers to dwell on more edifying aspects of the controversy. This is no proof that they, rather than Egypt's riches, were really at the center of the debate; but they must have been an important part of it.

"The Roman people ought not to show itself so eager to seize all the kingdoms upon earth". Why not, actually? What is wrong with seizing all the kingdoms upon earth—at a time when it was well known, as Cicero did not shy away from asserting in public, that the gods have given universal rule to the Roman people?[32] This, surely, bears on another controversy: whether the Roman concept of a 'just war' had an ethical content, prohibiting aggressive wars, or whether it was purely formalistic, not really involving any serious claim that the war in question is undertaken in defense of Rome or of her allies.

III

William Harris, in his *War and Imperialism in Republican Rome*, has argued that, contrary to what had often been claimed, "neither the fetial law nor the concept of the just war signifies… any resolve to fight only those wars which were felt necessary for the defence of Rome and its allies". "[A]ll that the Romans thought was required was proper procedure, the formally correct actions and words. This religious obligation was treated in the apparently pedantic and formalistic manner in which the Romans (among others) commonly treated such obligations… Naturally they had to decide on something to ask for if they were going to 'res repetere', but that is no evidence that they always or usually felt that they were being forced to defend themselves." In the second century, according to Harris, Roman propaganda claims portraying Rome's wars as 'just' in the sense of aiming at self-defense, or

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[31] If indeed outright annexation, rather than some other grab, was proposed: cf. A.N. Sherwin-White, "Lucullus, Pompey and the East", ch. 8a in *CAH*[2] ix. 271. Cicero's "non oportere populum Romanum omnium regnorum appetentem videri" seems to point in the direction of annexation.

[32] E.g., *Phil.* 6.19. See Brunt, "Laus Imperii", 297–298 on the 'conception of world empire' in Cicero's time, with references to Cicero's pronouncements on the subject.

defense of allies, were meant to impress Greek public opinion. A 'just war' in a moral sense was, he claims, an invention of Cicero and some of his contemporaries, influenced by Greek philosophy.[33]

Harris' views are a reaction to a tendency, on the part of some historians, to idealize not just the content of Roman official ideology and propaganda, but, sometimes, Roman foreign policy itself—which is alleged to have been genuinely defensive, at least until a late stage. Whether or not one accepts, in full measure, Harris' general picture of Roman imperialism—systematic aggression dictated largely by greed[34]—it is obvious that there was plenty of aggression and rapacity in the history of Rome's wars and imperial rule. The gap between rhetoric and reality, in any culture, may be wide indeed; but the exact content of the rhetoric, and its significance, still need to be analyzed. When Cicero, addressing the crowd assembled in the Forum, adduces the argument that the Roman people should not show itself so eager to seize all the kingdoms upon earth, he surely does not intend to startle his hearers with a Stoic paradox. A new, recently imported doctrine, imposing untraditional limitations on Rome's aggrandizement, has no place in this context—only safe and widely approved platitudes. Cicero must be echoing precisely the traditional Roman notions of a just, as opposed to unjust, war.

The argument against aggressive, unprovoked conquest of a foreign country has, in this context, nothing to do with the fetial law and its

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[33] Harris, *War and Imperialism*, 175; 170; 174. For a similar view, see Jörg Rüpke, *Domi Militiae: Die religiose Konstruktion des Krieges in Rom* (Stuttgart, 1990), 121–122. Alan Watson, *International Law in Archaic Rome*, 57 suggests that the doctrine of just war (in the ethical sense), which had been part of the archaic *ius fetiale*, fell into desuetude together with it. Brunt notes that the Roman concept of just war meant "fighting for [Rome's] own security or for the protection of the allies", but also remarks that "for Romans a just war was one in which the gods were on their side. The very formalism of Roman religion made it possible to believe that this divine favour could be secured, provided only that all the necessary ceremonies and procedures had been duly followed": Brunt, "Laus Imperii", 290; 308. For a balanced treatment of the topic and a survey of the scholarly controversy see A.M. Eckstein, "Conceptualizing Roman Imperial Expansion under the Republic: An Introduction", in N. Rosenstein and R. Morstein-Marx (eds.), *A Companion to the Roman Republic* (Oxford, 2006), 567–589.

[34] On the various aspects of Harris' thesis, see A.N. Sherwin-White, "Rome the aggressor?" (review article), *JRS* 70 (1980), 177–181; J.A. North, "The Development of Roman Imperialism", *JRS* 71 (1981), 1–9; W.V. Harris (ed.), *The Imperialism of Mid-Republican Rome* (Papers and Monographs of the American Academy in Rome, 29; Rome, 1984); J. Rich, "Fear, Greed and Glory: the Causes of Roman War-making in the Middle Republic", in J. Rich and G. Shipley (eds.), *War and Society in the Roman World* (London and New York, 1993), 38–68.

rituals (long obsolete by the time in question). The term *bellum iustum* itself is not mentioned; the point is not strictly legalistic, since, after all, there was a senatorial decree asserting that the bequest had indeed been made. It implies that even if the formal pretext is, arguably, there, there is something unseemly about the very eagerness to take over a foreign country which has clearly not done Rome any wrong. This line of argument (presented by Cicero as at least possible and plausible) simply does not make sense unless one assumes that there existed a deeply rooted convention that Rome's wars had to be just—i.e., needed to be justified—in the ethical, rather than any technical, sense.

The ethics of the proposal to take over Egypt were certainly right at the centre of Cicero's speech *De Rege Alexandrino* (65 BC). Most of the surviving fragments describe the proposal as rapacious and dishonourable (frr. 1, 2, 7–8). The foreign policy decision facing Rome is described in quasi-judicial language: 'we' have to show great moderation, because *est hoc summi imperii nosmet ipsos de nostris rebus iudicare* (fr. 4). Crassus, on the other hand, is quoted as claiming that the (proposed) war had a just cause (*est iusta causa belli*) just like the war against Jugurtha (fr. 6). Crassus is not known to have been heavily influenced by Stoic philosophy. Harris suggests that the Roman rhetoric of just war in the second century was aimed at the Greek public opinion; but is not obvious that this consideration, which might have carried some weight before Roman rule had finally been imposed on the whole of Greece, could have significantly influenced the tenor of a senatorial debate in 65. Cicero's speech *De Rege Alexandrino* was most probably delivered in the Senate. There, too, there was probably little room for Greek-inspired innovations in moral philosophy; still less so in a speech before the People. In his speech in 63 Cicero pretends to 'suspend judgment' as to the merits of the case for Egypt's annexation (objecting only to their alleged intention to grab Egypt without further reference to the people). But the strong stance he had taken in 65 was probably known well enough, and the tone and context of his summary of the conflicting arguments are in fact far from unbiased. The prospect of the decemvirs taking over Egypt is presented in a highly invidious manner (*Leg. Agr.* 2.43–45).

Not only Egypt: claiming that the agrarian bill sought to bestow on the triumvirs unlimited and arbitrary powers throughout the Roman world, Cicero invites his audience to sympathize with all the foreign and subject peoples whose rights might be threatened with those powers: "The name of imperium is hateful [*grave*] and greatly feared [by

foreign peoples]… How then will it be, when these decemvirs roam about the world with imperium… What do you think will be the feelings, the apprehension, the danger threatening the unhappy nations… What a shock it will be, citizens, if a decemvir who has arrived in some city either expected as a guest or suddenly as a master should declare that the very place where he has arrived, the hospitable dwelling to which he has been escorted, is the public property of the Roman people! (2.45–46)".

The fetial law has nothing to do with all this. Cicero and Crassus were not trying to satisfy the Roman gods that no ritualistic irregularity had been committed. They spoke to Roman senators and citizens in a way that reflected a conventional assumption that the rules governing Rome's conduct towards foreign states were expected to conform to notions of equity analogous to those expressed in Roman law.

Cicero's speech *De Lege Manilia* likewise assumes, throughout, that Rome's wars are just in the sense of being defensive (mainly of Rome's allies: e.g., 14; 32). This principle is not explicitly stated—it is assumed. The war against Mithridates is certainly described in this way, and so are wars waged by Rome in the past. There is a passage that seems to echo the criticisms of Lucullus, known from other sources.[35] That general had been repeatedly accused by his opponents in Rome, in speeches before the people, of needlessly prolonging and widening the war. Eventually the people would deprive him of his command by a series of laws; when he returned to Rome, the assembly would refuse to vote for his triumph. According to Cicero, who avoided any direct criticism of Lucullus,

> On the arrival of Lucullus and his troops in Armenia, yet other nations rose against our general; for fear had fallen upon those peoples whom Rome had never intended to attack or even to disturb; besides which, a strong and vehement belief had become general among the barbarian nations that our army had been directed to those regions in order to loot a very wealthy and much-venerated temple (23).

Moreover, although Cicero could not of course know the extent of Pompey's future conquests in the East, it is still remarkable that his speech contains no hint at all that any territorial expansion—and a corresponding increase in Rome's revenues—was likely to result from the war (something that was surely not difficult to predict). The war,

[35] Cf. Plut. *Luc.* 24.3; 33.4; 37.1; Cic. *Sest.* 93; *Acad.* 2.3.

according to Cicero, is all about *defending* Rome's provinces, allies, and revenues.

According to Sherwin-White,

> The Lex Manilia… was supported by the praetor M. Cicero in a speech of skilful misrepresentation… [The defensive nature of the war is stressed.] There is no hint of a war of expansion that would reduce the whole Armenian empire to subject status and lead to the annexation of Syria as a province. Not a word is said about the vast treasures that still awaited collection in the royal strongholds or the extension of the system of imperial taxation to great new provinces that would enrich the revenue of Rome. Instead the avarice of previous proconsuls is contrasted with the restraint of Pompey. Even Lucullus is not spared; though his successes against Mithridates are fairly summarized, his achievements in Armenia are minimized, with a dark reference to the plunder of a shrine of great wealth. Cicero, like Sulla, appears to lack interest in the expansion of the Roman Empire.[36]

But it is the presumed attitude of his popular audience that is remarkable. Why should Cicero have felt the need to 'mislead' his audience in this strange way? If the 'rabble' was to be misled into supporting a major military campaign, shouldn't it have been by promising it even greater conquests, and even more fabulous riches, than could reasonably be expected? Whatever his personal views, Cicero speaks with the people's attitude in mind; nevertheless, he conspicuously fails to dangle the prospect of new conquests and increased revenues before their eyes. The war is justified wholly by a need to defend existing provinces, allies and revenues. Of course, one could, and often did, take pride in conquest after a victorious war; and at this stage in Roman history it had become a commonplace that the gods had given world empire to the Roman people. But a campaign about to be started had to de presented to the Roman people as just in the ethical, rather than some formalistic, sense. Or at least one might feel that this is how the war should be presented, as Cicero obviously did in this case.

This does not mean that a more robustly imperialistic tone could not be adopted on a suitable occasion. In his speech *De Provinciis Consularibus* delivered in the Senate in 56, Cicero praises Caesar for changing the traditional Roman policy towards Gaul, which, he claims, had always been defensive. Caesar 'did not think that he ought to fight only against those whom he saw already in arms against the Roman people, but

[36] Sherwin-White, "Lucullus, Pompey and the East", 251.

that the whole of Gaul should be brought under our sway' (32). This included subduing not just known enemies and rebels, but

> men unknown to us or known only as wild, savage and warlike—nations which no one who ever lived would not wish to see crushed and subdued. From the very beginning of our empire, we have had no wise statesman who did not regard Gaul as the greatest danger to it. The Alps, not without the favour of heaven, were once raised high by nature as a rampart to Italy. For if that approach to our country had lain open to the savage hordes of Gauls, never would this city have provided a home and chosen seat for sovereign rule. Let the Alps now sink in the earth! For there is nothing beyond those mountain peaks as far as the Ocean, of which Italy need stand in dread (33–34).

Cicero openly ascribes to Caesar a 'grand strategy' of conquest. It is not, however, presented as aggressive conquest simply for the sake of imperial aggrandisement, but, very emphatically, as a 'pre-emptive war' in some larger strategic sense. If one accepts this line of argument, which Cicero obviously expected to get a favourable reception in the Senate, the question whether the rules of *bellum iustum* were observed by Caesar in each of his campaigns may seem rather beside the point. Nevertheless, some of Caesar's enemies still thought it worthwhile to attack him on this score—though with little success.[37] Cicero's case for the conquest of Gaul has little to do with religious or legalistic scruples, but it still hinges on creating the impression that the overall purpose is, strategically, defensive.

Admittedly, 'on this sort of principle no war that Rome could fight against foreign peoples who might some day be strong enough to attack her could be other than defensive'.[38] We may assume that Gaul, with all the traumatic memories associated with it, made it particularly easy to broaden the definition of defensive war in this way. On the other hand, we cannot be sure that on other occasions even more undisguised, aggressively imperialistic sentiments could not be voiced. In studying an ancient society, we should not be surprised to find what would not surprise us in any modern one: that there are often wide gaps not merely between reality and rhetoric, but between different kinds of rhetoric employed on different occasions—sometimes by the same people, and not necessarily with any deliberate dishonesty. But certainly

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[37] Suet. *Caes.* 24; see on this Brunt, "Laus Imperii", 182, n. 81.
[38] Brunt, "Laus Imperii", 183.

the concept of defending Rome and her allies as the ultimate moral justification for war is very much in evidence—even though it might sometimes be stretched to cover highly aggressive policies.

If this concept could be assumed (rather than argued) in Cicero's speeches before the crowd assembled in the Forum, it could not have been, at that time, a recently introduced innovation taken over from foreign philosophical doctrines. It must have been a time-honoured Roman commonplace. This should never have been doubted, given Cato the Elder's speech, in the Senate, against a proposed war with Rhodes in 167.[39] One of Cato's main arguments is that even if the Rhodians had wished to assist Perseus in his war with Rome (something which he denies), this would not have provided Rome with a just cause for war against Rhodes. Merely wishing to make war against Rome is, according to Cato, no more punishable than merely wishing to commit a criminal offence: 'Is there a law so harsh as to say: … if anyone should wish to own more than 500 iugera [of public land] he shall be punished' (6.3.37).

Gellius, defending Cato against the criticism of his speech by Tiro, Cicero's freedman, as unconvincing and counterproductive, notes that the examples of offenses cited by Cato are *mala prohibita* rather than *mala in se*; thus merely wishing to commit them is not in itself dishonourable. He believes that Cato served his 'clients' well by comparing their alleged intention to attack Rome with offenses of this kind (6.3.45–47). The quasi-judicial frame of this debate on a major issue of foreign policy is taken for granted throughout. As for the charge that the Rhodians are arrogant (*superbi*), stemming from the their alleged display of ill-will towards Rome during the Macedonian War, Cato's answer is "Let as grant that they are arrogant. What is it to us? Should we be angry, if someone is more arrogant than us?" (6.3.50). Gellius, in his commentary, finds this remark particularly apt and convincing.

Though Cato claims that as a matter of fact the Rhodians never intended to join the war against Rome, he admits that, in his estimation, they did not wish Rome to be victorious and Perseus to be defeated. In this, he notes, they were no different from other peoples and nations which felt the same way during the war—not out of hostility to Rome but out of fear that, should Rome emerge victorious from that struggle, "they would have to be our slaves subjected to our

[39] Aul. Gell. 6.3 = *ORF*[3] frs. 163–169.

sole rule. I believe they have adopted this view for the sake of liberty" (6.13.16).

According to Gellius, the argument that a mere wish to commit an offence does not merit punishment is singled out and overemphasized in Tiro's critique, whereas Cato's actual speech included many other points as well (such as the Rhodians' past services to Rome—6.3.52–54).[40] The precise balance of arguments in the speech escapes reconstruction; we cannot know which arguments and considerations swayed the majority of the Senate.[41] But it is obvious that this line of argument—other states have a perfect right to wish us ill, and to favour the enemy, as long as they have not actually attacked us—could never have been employed before an audience unfamiliar with the ethical concept of a just war (allegedly invented only in Cicero's time). This was hardly a piece of propaganda directed at the Greek audience—still less a discussion of proper ritual and legal technicalities. Of course, it could also be argued that attacking Rhodes without sufficient justification would damage Rome's reputation in the Greek world—but this is not what Cato is saying, in the surviving fragments. Moreover, the very importance sometimes attached to convincing the 'international public opinion' that Rome's wars were just[42] is much easier to understand on the assumption that the concept of just war (in the ethical sense) was an integral part of Rome's own traditional system of values.

Gellius quotes Tiro's criticism of Cato for offending his audience: instead of the usual *captatio benevolentiae* at the outset of a speech, his admission that the Rhodians had favoured Perseus during the war amounts, according to Tiro, to an admission of guilt: *confessionem faciunt, non defensionem [verba Catonis]*: 6.3.15. If Tiro's criticism reflects, in some way, the spirit of his time rather than just his personal views, it may perhaps indicate that the moral threshold of a 'just war' was actually

[40] See A.E. Astin, *Cato the Censor* (Oxford, 1978), 273–283, which offers a detailed discussion of Cato's speech and the implications of the ethical argument against the war. "The arguments advanced by Cato… were employed because he believed they would carry weight with many senators… From this point of view the striking feature of Cato's arguments is that overwhelmingly they are moral in character—taking 'moral' in a broad sense" (279).

[41] On the importance of Cato's intervention to the final decision against the war, see Livy 45.25.2; cf. Polyb.30.4.9; see on this Astin, *Cato the Censor*, 274.

[42] According to Polybius, this consideration came close to tipping Rome's decision against the war with Carthage on the eve of the Third Punic War (36.2.4). On Rome's declarations of war in this period, including the importance of the concept of *bellum iustum*, see Rich, *Declaring War*, 1976.

lower, in Cicero's time, than in the days of Cato the Elder—exactly the opposite of what happened, at least on the level of rhetoric, according to Harris. This would not be surprising: the empire had grown enormously in the meantime, and with it, no doubt, Roman arrogance.

This may possibly help explain the way Caesar treats the question of the justification of his wars in Gaul in *De Bello Gallico*. According to Brunt, "[Caesar]... undoubtedly intends his readers to think that it was not for personal greed or glory that he undertook his campaigns, but he has no need to insist on their justice".[43] In fact, he does present his wars in Gaul as just—i.e., aimed at defending the Roman people's possessions and allies. In 1.33 he details the considerations which moved him to present his ultimatum to Ariovistus, paving the way to war: the 'enslavement' of Aedui, recognized as 'brethren of the Roman people', which could not be tolerated *in tanto imperii populi Romani*, as well as strategic considerations, all of them defensive (in a larger sense): the German invasions of Gaul were 'dangerous to the Roman people'; the Germans might eventually follow the footsteps of the Cimbri and Teutoni and attack Italy. A long diplomatic prelude to war follows; Caesar is clearly concerned to convince his readers that his behaviour rose to the highest standards of justice traditionally required in Rome's dealings with foreign peoples. Ariovistus is allowed to present his case against Rome's interference with the way he treats the Gauls, allegedly his rightful subjects. It may well be true that Caesar expected his readers to take Ariovistus' very arguments, based on a notional equality between the two empires, his own and that of Rome, "as proof of what he calls the German's insolence".[44] But he still finds it necessary to answer, as best he can, each of the German king's claims, rather than simply dismissing them (including the 'right of the first conqueror': 1.45; Caesar claims that as a matter of fact Rome had been the first to conquer Gaul). The justness and reasonableness of his demands is a point Caesar thinks worth making to his soldiers as well (1.40; cf. 1.46).

[43] Brunt, "Laus Imperii", 313. "Though he never claims to have planned the conquest of Gaul, it is implicit in the *Commentaries*, from the very first sentence, that this was what he had achieved" (313). The second part of this sentence obviously doesn't balance the first one. For a different perspective see A. Riggsby, *Caesar in Gaul and Rome: War in Words* (Austin, 2006), Chapter 6 ("Empire and the 'Just War'"), 157–190, with emphasis on Caesar's sensitivity, in his account of the Gallic war, to traditional Roman notions of *bellum iustum* (including the right of pre-emption in the face of a threat);. cf. E.S. Ramage, "The *bellum iustum* in Caesar's *de Bello Gallico*", *Athenaeum* 89 (2001), 145–171.

[44] Brunt, "Laus Imperii", 311.

The notion of a just war is certainly there; but it is hard to imagine Caesar accepting (even for argument's sake, as did Cato in his speech) the right of a foreign state to favour Rome's enemies during a war, and to display arrogance towards the Roman people.

Of course, Cato was also a leading instigator of the blatantly unjust Third Punic War. A fragment of his speech on this subject asserts that preparing a war against Rome is tantamount to having started it.[45] A distinction can be drawn between merely 'wishing' to attack another country and actually 'preparing' for the attack (though it is obvious that in practice the former can easily be described as the latter). We can thus save Cato from formal contradiction and inconsistency—but there is no pressing need to do so. Politicians sometimes say contradictory things, on different occasions and in different political contexts. The normative public discourse in a society, and the popular attitudes reflected in this discourse and shaped by it, can include contradictory elements. This is what Harris apparently finds it hard to accept. He seems to feel—quite wrongly, in my view—that just because there were, undeniably, strong militaristic and expansionist elements in the Roman civic culture, *there could not have existed*, alongside them, a traditional doctrine of just war—except in a purely formalistic sense.

Harris attaches great importance to the fact that public prayers were sometimes offered in Rome for the increase of the empire. This was done by censors *ut populi Romani res meliores amplioresque facerent*—possibly changed by Scipio Aemilianus as censor in 142/1: *satis magnae sunt*. He rightly holds that the original formula must have been understood as referring, at least partially, to territorial expansion. A prayer for the increase of the empire offered by Augustus at the *ludi saeculares* must have been based on ancient precedents. The haruspices are known, on several occasions, to have predicted the extension of the borders of the empire on the eve of a war.[46] Astin doubts (without justification) the authenticity of the censors' prayer on the grounds that "it would have stood in conflict, at least in spirit, with fetial law".[47] There is no *formal* contradiction here, as Astin in fact concedes: the gods *can* be perceived as both favouring the growth of the empire and insisting that each war leading to this growth must be strictly just. But the question is psychological: those who heard such prayers, those who had been

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[45] *ORF*^{3} fr. 195. A similar definition is accepted by Cicero *Off.* 2.18.
[46] Harris, *War and Imperialism*, 119; 122.
[47] Astin, *Scipio Aemilianus*, 329.

told that it was the will of the gods that the Roman people should rule the world, those who were exposed to the endless expressions of militarism in Roman public life—how likely is it that they really needed to be assured on each particular occasion, that the war about to be undertaken was just, and not dictated by an appetite for expansion?

But a contradiction is not an incompatibility. Those two attitudes, however contradictory in our view, co-existed in public discourse and, probably, in the minds of many people. We have to accept what is amply attested in the sources—both the obvious fact that Rome was a militaristic society with a militaristic culture and ethos, and the fact that there was a strong cultural and political norm that Rome's wars had to be just. Cato's case, as we have seen, shows that the same person could take the concept of just war seriously—or at any rate, and what is more important, *use* it seriously, in a serious political debate, on one occasion—and treat it in a highly formalistic way, on another. This should not surprise us: such things happen to cultural norms. But it would be rash to assume that this cultural norm—still reflected in Cicero's speeches before the late-Republican 'mob'—never influenced, in a significant way, the actual conduct of Rome's foreign policy. When we hear, on different occasions—including the Third Punic War—that Roman politicians were divided on the question whether a war about to be undertaken was just, we need not dismiss the possibility that this consideration, alongside others, was taken seriously by some of them.

Whatever the cultural and historical origins of this norm, it seems to have had an important function in the system. Precisely because Roman society was both strongly militaristic and characterised by strenuous competition (to a large extent, for popular favour) within the elite, some such device was needed in order to mitigate the potentially disastrous impact of this combination on the interests of the state and on the equilibrium within the governing class. The Roman elite was always sensitive to the danger that one of its members might grow too powerful—and, surely, the military sphere was the main source of this danger. When a Roman politician accused his rival of breaking the ethical rules that were supposed to govern Rome's conduct towards foreign and subject peoples, he was playing the normal game of aristocratic competition.[48] At the same time, these rules, including the theory

[48] On aristocratic jealousy and rivalry, sometimes involving moral and legal objections to rivals' behaviour, as a factor that could significantly hamper (and not only encourage, as Harris has suggested) Rome's aggression and expansion, see, e.g., Rich,

of just war, can be regarded as an important mechanism for asserting societal control over powerful and ambitious individuals who might endanger the state by unsuccessful military adventures; or, even worse, undermine the republican system of government by successful ones—something that eventually happened as a result of the great conquests of Pompey and Caesar.

The Roman voting populace listened to debates on foreign policy and could sometimes play an important part in the decisions. It was integrated into the system, functionally and ideologically, in this sphere, as well as in others, and seems to have shared with the senatorial elite the same broad traditional notions on the conduct of foreign and imperial policy. The popular audience appears to have been no less susceptible than the senatorial one to ethical arguments on the proper treatment of Rome's allies and foreign peoples. But, although the traditional rejection of *regnum* could never be disputed by anybody in a speech before the people, the late-Republican 'mob' proved to be willing to confer on popular individuals military powers that the senatorial elite regarded—not without reason—as excessive and dangerous.

"Fear, Greed and Glory", 53ff.; Sherwin-White, "Rome the Aggressor?", 178–179; Brunt, "Laus Imperii", 304–305; E. Badian, *Roman Imperialism in the Late Republic* (2nd ed.; Oxford, 1968).

ROME, KINSHIP AND DIPLOMACY[1]

Filippo Battistoni

Around the middle of the 14th century A.D., Nicephorus Gregoras, one of the greatest scholars of his time, wrote a letter to Maximus, the categoumenos of the cloister in Corthais. In this letter, Nicephorus praised his birthplace Heraclea on the Pontus.[2] He begins his account with the earliest history of the city, showing how it had always enjoyed prosperity and respect under different rulers, whom he lists in chronological order: the Persians, the Seleucids, and the Ptolemies. When he comes to the Romans, the author inserts an interesting paragraph:

> Αἰνείας γε μὴν, τὸ πρότερον ἐκ τῆς ἡμετέρας κἀκεῖνος κληθεὶς, ἐβοήθει τοῖς ἐν Ἰλίῳ τὰ κράτιστα, καὶ τοὺς μὲν τῶν Ἑλλήνων αἵματι καὶ κόνει δοὺς, τοὺς δ' ἀπεληλακὼς ἐκεῖθεν, καθάπερ νέφους Βορέας ἐξαπίνης καταρραγεὶς, χρήματα ἔπειτα πλεῖστα τῆς συμμαχίας εἰλήφει μισθόν δι' ὧν ναῦς τε κατεσκευάκει μακρὰς καὶ ἀπελθὼν ὅλης ἐκράτησεν Ἰταλίας· […] Ῥωμαῖοί γε μὴν τὰ τῆς συγγενείας ἐντεῦθεν ἀθανατίζειν ἐθέλοντες πρὸς τοὺς προγόνους Ἡρακλεώτας, ὅρκοις μεγάλοις σφᾶς αὐτοὺς προκατειληφότες αὐτοῖς ξυνηρμόκεσαν κτλ.
>
> Aeneas, being initially from our city, brought great help to the Ilians, both by slaughtering the Greeks and by driving them away, just as the north-wind dispels the clouds tearing them up unexpectedly. As a reward for his alliance he received a large amount of money, with which he built large ships. Having arrived in Italy, he conquered it completely …

[1] This paper derives from a larger study I am currently finishing on Rome, Trojan myth and Diplomacy. There, many of the topics that could only be mentioned here, find longer and more detailed analysis. I am very grateful to R. van Bremen and A. Magnetto for reading, commenting, and improving a draft of this paper. My warm thanks are also due to C. Eilers for carefully revising my English and to J. Prag for his encouragement and support. Obviously, they are not responsible for any remaining faults.

[2] R. Guilland (ed. and trans.), *Correspondance de Nicéphore Grégoras* (Collection Byzantine Belles Lettres; Paris 1927), nos. 45, 156–165 (dated to 1330–1335 A.D.). Nicephorus composed a work in Praise of Heraclea, which is now lost, cf. letter no. 7 to Demetrius Cavasilas. The first sentence, Αἰνείας γε μὴν, τὸ πρότερον ἐκ τῆς ἡμετέρας κἀκεῖνος κληθείς, is slightly difficult. It surely indicates Aeneas' link to Heraclea but it is not clear whether Aeneas is said to come from Heraclea, or to have an appellative, subsequently lost, like 'Heracleotan'. I accept Sathas's (see n. 4) restoration νέφους for νέφος.

> Since the Romans wanted to make eternal the obligations deriving from kinship, they united with their ancestors the Heracleotans, by making a treaty with them.

The final point, the treaty between Rome and Heraclea, is historical and subsequently expanded by reference to the work of Memnon, a local historian possibly dated between the first century B.C. and the first A.D., according to F. Jacoby (*FGrHist* 434).[3] C. Sathas, the first editor of this letter, believed that the passage cited above also came from Memnon's work.[4] This suggestion cannot be accepted for several reasons, including the fact that Gregoras does not explicitly cite Memnon as his authority for this story. On the one hand, when we look at Memnon's much longer *excerptum* in Photius' Library,[5] we find no trace of this story: not only did Aeneas not come from Heraclea, but the Romans did not consider themselves relatives of the Heracleotans. On the other hand, the story itself contains several unusual elements. First, it deprives the Romans of their most famous relatives, the Ilians. Second, it seems to have developed in response to the story concerning possible benefits given to Aeneas by the Greeks (a version which might imply treason by Aeneas), as is recounted for example by Dictys and Dares. In Nicephorus' version, of course, the Trojans themselves reward Aeneas for his help. A mercenary is far better than a traitor.

If it were not for these problems, we would not have been surprised to find this story in an ancient author such as Memnon. The elements would suit any claim to ancient kinship very well, and the entire structure of Gregoras' letter closely follows ancient models. By Nicephorus' time, Rome could not offer any benefit to Heraclea, other than giving it prestige. If I am right in considering the story quite late, these relatives are 'posthumous', and it is all the more interesting to see how late we find such a link of *syngeneia* as a lively and valued element.

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[3] See further, M. Janke, *Historische Untersuchungen zu Memnon von Herakleia: Kap. 18–40, FgrHist No. 434* (Würzburg 1963), 30–31; P. Desideri, "Studi di storiografia eracleota, ii: La guerra con Antioco il grande", *SCO* 19–20 (1970–1971), 487–537, 488–495 and 537. E. Gruen, *The Hellenistic World and the Coming of Rome* (Berkeley 1984), 735–736. Against historicity of the treaty, E. Badian, *Foreign Clientelae 264–70 B.C.* (Oxford 1954), 295. For Heracleotan mediation between Rome and Antiochus, see Ager in this volume.

[4] C.-E. Sathas, "Éloge de la ville d'Héraclée du Pont", *Annuaire de l'association pour l'encouragement des études grecques* (1880), 217–224.

[5] Phot. *Bibl.* 224ff. = *FGrHist* 434 F 1. Jacoby makes no reference to the letter of Nicephorus, probably judging him as dependent on Photius, see *FGrHist* 434 *Kommentar*, 267.

Introduction

Recently *syngeneia* has received much attention by scholars, and we now have at our disposal excellent tools to investigate this topic, both as a collection of sources and as general studies.[6] This applies mainly to the Greek or Hellenized world, however. With few exceptions, Rome has remained somewhat apart.[7] When looking at this subject we are faced with two different sets of problems. On the one hand, it is remarkable that Rome sometimes dealt with its Greek or Hellenized counterparts on kinship terms. This is relevant, since the practice of addressing other people as relatives appears to be quite alien to the Roman attitude towards the peoples of Italy.[8] In general, I would argue that kinship was for Rome much more a diplomatic and cultural element than one based on ethnic criteria, and I am inclined to make a sharp distinction between the policy adopted by Rome in international (namely Greek) and Italic matters. On the other hand, almost all Rome's relationships involved Troy as a common ancestor. This would lead us directly to the

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[6] O. Curty, *Les parentés légendaires entre cités grecques: catalogue raisonné des inscriptions contenant le terme 'syngeneia' et analyse critique* (Hautes études du monde gréco-romain 20; Geneva 1995); C.P. Jones, *Kinship Diplomacy in the Ancient World* (Revealing Antiquity 12; Cambridge Mass., London 1999). S. Lücke, *Syngeneia: Epigraphisch-historische Studien zu einem Phänomen der antiken griechischen Diplomatie* (Frankfurter Althistorische Beiträge 15; Frankfurt am Main 2000), on which see O. Curty, "Un usage fort controversé: la parenté dans le langage diplomatique de l'époque hellénistique", *AncSoc* 35 (2005), 101–118. L. Robert (see Curty, *Parentés*, 261 n. 12 for references) and D. Musti ("Sull'idea di συγγένεια in iscrizioni greche", *ASNP* 32 (1963), 225–239) were the first to devote special attention to the topic. An enormous stimulus towards the study of kinship has been given by the publication of the Xanthos inscription, see J. Bousquet, "La stèle des Kyténiens au Létôon de Xanthos", *REG* 101 (1988), 12–53.

[7] Namely S. Elwyn, "Interstate Kinship and Roman Foreign Policy", TAPA 123 (1993), 261–286; Jones, *Kinship Diplomacy*, 62–64, and especially 81–93.

[8] If we exclude some dubious cases, possibly to be imputed to the post-Gracchan annalistic tradition, like App. *Samn.* 13–17 (Romans/Samnites, the alleged discourse of Pontius Telesinus, 321 B.C., who released ὑπὸ ζυγόν the Romans he had captured, respecting kinship and friendship, συγγενείας καὶ φιλίας), there is only one episode when we are explicitly told that an Italic people approached Rome on the basis of common origin, i.e. the Mamertines (Polyb. 1. 10. 1; Zonar. 8. 8. 4; Dio Cass. 11. 43. 6) seeking help against Hiero. The term used by Polybius, ὁμόφυλοι, is revealing and matches the information given by Cassius Dio (γένος ἐκ Ἰταλίας). As already pointed out by Elwyn, "Interstate Kinship", 268, the adjective is alien to common Hellenistic vocabulary in this field. Her assertion that ὁμοφυλία depended on a descent of the Mamertines from the Capuans may be only partially right. It may be possible to say something more on Mamertines' kinship claim with Rome, based on an 'Italic' myth.

much-debated question of the Trojan myth of Rome.[9] I am not entering into this, since it would distract from the main topic of this volume. Nevertheless, a few preliminary points should be made. I believe that at the latest with the introduction of the cult of Venus Erycina to the Capitol (217 B.C.), the Romans acknowledged their Trojan origin and were, by then, willing to present themselves to the Greek world as descendants of Aeneas and his companions. This does not mean that the Trojan legend was previously alien to Roman culture, but that this is the first time that we are able to discern, with reasonable certainty, a positive effort on the part of the Romans to acknowledge explicitly their Trojan origins.[10] Before this moment, there are some examples of the Romans being considered Trojans, but these are better attributed to others, rather than to Rome itself. Connected to these two points, it must be emphasized that originally most of those designated as Roman 'kin' were not Greek, but Hellenized. Starting with the Segestans, passing through the Lycians, this statement goes so far as to include the Aeduans, *fratres* of the Romans.[11] This perhaps tells us something about the value of the Trojan myth, and about Rome's cultural attitude towards the Greek world.

Moving from general observations to more specific ones, we may ask ourselves who it was that put forward the claim of kinship. As far as we can see, Rome received such claims more often than it proposed them. Roman passivity should not be interpreted to imply, however, that the Romans took a diminished view of the value of interstate *cognatio*. It is in fact better to determine how relevant kinship was to Roman decision making, what it meant to be relatives of the Romans, and how much Roman prestige could gain from a presentation in Trojan terms.

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[9] It is neither possible nor useful to list an extensive bibliography on the Trojan myth. Among recent works, from different perspectives, see A. Erskine, *Troy between Greece and Rome* (Oxford 2001), with good bibliography, and T. Mavrogiannis, *Aeneas und Evander* (Studi di storia e di storiografia; Perugia 2003).

[10] Erskine, *Troy*, 198–203 has recently argued that there was no connection between the cult of Venus Erycina and Aeneas/Troy. It would be quite odd if the Romans were to import a foreign deity to Rome, on the Capitol, without strong reason. This is still valid even if we abandon the principle of a difference between intra- and extra-pomerial foundations, as suggested by A. Ziolkowski, *The Temples of Mid-Republican Rome and their Historical and Topographical Context* (Saggi di storia antica 4; Rome 1992), 268–283. A very sound statement is that of M. Beard, J. North, S. Price, *Religions of Rome, i: A History* (Cambridge 1998), 82–84.

[11] The point has been mentioned by Elwyn, "Interstate Kinship", 284 n. 64. Her analysis of interstate kinship in terms of a stronger/weaker relation misses the cultural value that kinship had in favour of the political one.

We must also consider the chronological span during which Rome was involved in a *syngeneia* with other cities and peoples. In our sources attestation of interstate *cognatio* with Rome is concentrated in the period from the third to the beginning of the first century B.C. This implies that Rome thought of *syngeneia* in a fairly utilitarian way, accepting it when it was convenient during its expansion in the Mediterranean, 'when prejudice and convention require', and abandoning it afterwards.[12] This is for the most part true, but it is necessary to reformulate this criticism in order not to overlook the important and firm cultural value of *cognatio*. In addition, the apparent break we find by the first century B.C. is likely to be caused by other factors, such as the different ideological milieu of the principate, rather than merely betraying an earlier utilitarian acceptance.[13]

Before concluding this introduction, a final issue must be addressed. The concept of *syngeneia* to the Greek mind was an important and multi-faceted one. In addition to shared ancestry, an essential prerequisite, I would like to focus on just one aspect, shared cults. Passing over Herodotus' well-known statement about what is meant by being Hellenes,[14] let me recall, *mutatis mutandis*, a less known but quite interesting passage in Diodorus Siculus. In it the author describes the relation of Alesa and Erbita. Since the former had been declared *ateleios* under Roman rule, the disparity between the two cities increased so much that Alesa no longer wanted to be considered *syngenes* of Erbita, notwithstanding the paradox that they had the same cults.[15] In this respect it is of some interest to recall the appellative *syngeneios* that Zeus receives in a fragment of Euripides.[16] Pollux explains that the adjective has an

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[12] The quotation is from N. Horsfall, "The Aeneas Legend", in J. Bremmer and N. Horsfall (eds.), *Roman Myth and Mythography* (BICS Supplement 52; London 1987), 12–24, 20. A very good account of these occurrences is E. Gruen, *Culture and National Identity in Republican Rome* (London 1992), 44–50, whose conclusions I do not completely share, however.

[13] As a matter of fact, there are several attestations of a continuation of the phenomenon in imperial times (Sardis, Laodicaea ad mare etc.), but it was completely different from what it was during the Republic.

[14] In this respect, see recently R. Parker, *Cleomenes on the Acropolis: an inaugural lecture delivered before the University of Oxford on 12 May 1997* (Oxford 1998), esp. 13–24.

[15] Diod. Sic. 14. 16. The passage is more complicated than I say here and relates to the relation between mother-city and colony. This does not affect my main point, i.e. the indissoluble link between cults and kinship.

[16] *TGF* 998 N^2 apud Pollux Onom. 3. 5: καὶ Ζεύς τις συγγένειος ὁ τὰ τῆς συγγενείας δίκαια ἐφορῶν παρ' Εὐριπίδῃ. The fragment has recently been considered by I. Savalli-Lestrade, "Antioche du Pyrame, Mallos et Tarse/Antioche du Kydnos à la lumière de

active value, meaning 'Zeus who watches over the rights of kinship'. More relevant to the present case, A. Wilhelm made it clear that this is the sense in which we must understand the expression *theoi syngeneioi* that appears in a treaty between Termessos and Adada.[17] In analyzing some individual cases, I hope to show that the Romans knew the value that religion could have in relation to kinship.

I shall focus on the diplomatic contacts between Rome and other states or *poleis*, with whom there is a reported claim of kinship, or a related concept like *oikeiotes*, starting with the early third century B.C. In doing this, I aim to reverse the conventional perspective, which considers these cases mainly as proof of Rome's acceptance of the Trojan myth, and shall illustrate on the contrary how and on what terms Rome participated in the prevalent pattern of diplomatic interchanges in the Hellenistic world, involving *syngeneia*.

Case Studies, I

The letter of Nicephorus, which I began with, can be considered the final chapter of a story which had started many centuries before. Let me briefly reconsider a well-known passage in Strabo (5. 3. 5):

> It is for this reason [i.e., pirates] that Alexander, in earlier times, sent in complaints, and that Demetrius, later on, when he sent back to the Romans what pirates he had captured, said that, although he was doing the Romans the favour of sending back the captives because of the kinship (συγγένειαν) between the Romans and the Greeks, he did not deem it right for men to be sending out bands of pirates at the same time that they were in command of Italy, or to build in their Forum a temple in honour of the Dioscuri, and to worship them, whom all call Saviours, and yet at the same time send to Greece people who would plunder the native land of the Dioscuri. [Loeb trans.]

SEG xii. 511: histoire, géographie, épigraphie, societé", in B. Virgilio (ed.), *Studi ellenistici*, xix (Pisa 2006), 119–248,193–196, with brief discussion about the meaning of *syngenika dikaia*.

[17] A. Wilhelm, "Ein Vertrag aus Termessos", *Neue Beiträge zur griechischen Inschriftenkunde* (SB Wien 166, 1912), ii. 3–26 = id., *Akademieschriften zur griechischen Inschriftenkunde (1895–1951)* (Opuscula 8; Leipzig 1974), i. 83–106. The inscription (*TAM* iii/1. 2) could be added to the collection of Curty, since if Wilhelm's interpretation is right, the presence of gods that look after kinship implies such a tie between Termessos and Adada. As for the identity of these gods, Wilhelm suggested either the *theoi pisidikoi* or the Dioscuri.

The historical value of this information has been disputed. It is not very likely that Alexander the Great, if we are to follow the more common interpretation,[18] bothered to discuss such matters with the Romans, and the news may well be understood as a later accretion to the story of the contacts between Demetrius Poliorcetes, at the time ruler in Athens, and the Romans. It is important not to be distracted by what is not in Strabo, i.e. the question of which myth (Aeneas, Evander, etc.) provided the basis for the Romans and the Greeks being considered relatives,[19] and look at what the geographer tells us. I shall argue that Demetrius' argument is complete and sufficient as it is presented to us. An essential element is the mention of the cult of the Dioscuri, common to Romans and Greeks alike.[20] When Demetrius recalled the existing *syngeneia*, the reference to common cults could be a sufficient demonstration.[21] Religion and kinship are indeed closely bound in ancient thought, and the point needs not to be stressed here. Demetrius showed the Romans how kinship could work in international diplomacy, on what basis it could be built, and what obligations stemmed from it.

In the following decades the Trojan myth was used as a basis for approaches to Rome on two different occasions. Not surprisingly the myth is used once as the ground for antagonism (Pyrrhus), and once by the Segestans, who claimed kinship in order to make Rome closer. The ambivalent nature of this legend and of its practical consequences was observed long ago.[22] Such cases make clear why the Trojan myth is not

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[18] Among others, see L. Braccesi, *Alessandro e i Romani* (Contributi didattici di storia antica 1; Bologna 1977), 50–51. More recently, G. Urso, "Roma "città greca"", *Aevum* 75 (2001), 25–35, with full bibliography. Mommsen, followed by others, thought of Alexander the Molossian, see *CIL* x. 660.

[19] See for example Urso, "Roma", 31–33 (Alexander the Great). Among the many references in modern bibliography to this passage, I should like to single out P. Veyne, "L'hellénisation de Rome et la problématique des acculturations", *Diogène* 106 (1979), 3–29.

[20] It has to be noted that the Roman cult of the Dioscuri, at times identified with the Penates (on this, see e.g. A. Alföldi, *Early Rome and the Latins* (Jerome Lectures 7; Ann Arbor 1963), 268–271), might have extremely impressed a Greek observer since the Roman Pantheon lacked the figure of heroes as half-gods and so the Tyndarides were reckoned as actual gods.

[21] This interpretation has already been proposed by Jones, *Kinship Diplomacy*, 84. Again, even if it is not a trustworthy source about the events, kinship (in this case on a Trojan basis) comes along with religion in Herodian 1. 11. 3: the Romans got Magna Mater's *simulacrum* from Pessinus ῥᾳδίως συγγένειαν προβαλλόμενοι.

[22] For example A. Momigliano, "How to reconcile Greeks and Trojans", *Mededelingen der Koninklijke Nederlandse Akademie van Wetenschappen*, Afd. Letterkunde; n.r. 45. 9 (1982),

the same thing as kinship diplomacy for Rome. The two often coincide, but offer different perspectives. Quite plainly, the latter always had a positive meaning and was evoked only when help was needed.[23]

The case of Segesta is instructive. In addition to being the first use of the Trojan myth to justify kinship diplomacy, we see a possible benefit of being kin to the Romans. From Cassius Dio, excerpted by Zonaras, we know that at the outbreak of the first Punic war Segesta slaughtered the Carthaginian garrison stationed in the city and defected to the Romans. In so doing the Segestans allegedly claimed to be relatives of the Romans on the grounds that their city had been founded by Aeneas.[24] This claim is not acceptable as it stands. Even if Zonaras is a faithful excerptor, and Cassius Dio is well informed, the reference to a foundation by Aeneas is likely to have come later, depending precisely on the relation with Rome. The appeal to a common Trojan origin would not have been a surprise, though, since not much earlier Pyrrhus had allegedly claimed to be challenging, as a new Achilles, the descendants of the Trojans.[25] Nonetheless, even if Segesta's justification

231–254 = id., *Settimo contributo alla storia degli studi classici e del mondo antico* (Storia e letteratura 161; Roma 1984), 437–462.

[23] It can be noted, *en passant*, that the very availability of Rome to insert herself in the Hellenic mythical past is a positive effort to have a common 'language', not different from other peoples such as (for instance) the Jews with the Spartans, on which see E. Gruen, "The Purported Spartan-Jewish Affiliation", in E. Harris and R. Wallace (eds.), *Transitions to Empire: Essays in Greco-Roman History, 360–146 B.C. in honor of E. Badian* (Oklahoma series in classical culture 21; Norman 1996), 254–269. I mention briefly the Acarnanian appeal to Rome, since it does not imply a kinship, Just. 28. 1. 5; Strabo 10. 2. 25; Dion. Hal. 1. 50. 4. It is interesting for the development of the Trojan myth. Of course, its meaning changes greatly whether we date it to the second half of the third century or to the first half of the second. The odd, and unique for its kind, argument adduced is that the Acarnanians did not campaign against Troy (Justin and Strabo). A significant aspect is that the Acarnanians justified their argument according to the authority of Homer, a text they deemed could be knowledge shared with the Romans as well.

[24] Zonar. 8. 9: "now from all the others [i.e., cities garrisoned by the Carthaginians] they were repulsed, but Segesta they took without resistance; for its inhabitants because of their kinship (οἰκείωσιν) with the Romans-they declare they are descended from Aeneas-slew the Carthaginians and joined the Roman alliance." (Loeb trans. slightly modified). Among others, E. Badian, "Ennius and his Friends", in O. Skutsch (ed.), *Ennius: sept exposés suivis de discussions* (Entretiens sur l'antiquité classique 17; Geneva 1972), 179 n. 2, with further reference to id., *Foreign Clientelae*, 44 n. 3, accepts that Segesta and Rome took advantage of their kinship during the First Punic war. Influential scholars, such as F. Walbank, have denied this information, see his *Historical Commentary on Polybius* (Oxford 1979), iii. 182.

[25] Paus. 1. 12. 1.

was elaborated slightly later, during the course of the war or just after it, during the organization of Western Sicily, the status of *immunis ac libera* was given to the city as a most welcome reward. Possibly it was linked to the *cognatio*; surely it depended on the treason against the Carthaginians and on continuous pro-Roman behaviour. In Cicero's days, the orator could remember and praise the close bond that united Romans and their relatives, the Segestans.[26]

Now we come to Ilium and Asia Minor. The beginnings of the relationship between Rome and Ilium are obscure, in contrast to its bright aftermath. Let me start from the end and cite an impressive piece of evidence. Under the Emperor Antoninus Pius, the jurist Callistratus stated that the Ilians had long before been given immunity from taxation, both through *senatus consulta* and the constitutions of emperors, because of the noble character of their city and their common origins with Rome.[27] It is unusual to find such an affirmation in the Digest. The fact that kinship was recognized in that context accounts for the special value that Roman-Ilian *consanguinitas* had. Mommsen was perfectly right in singling it out from among the various other occurrences.[28]

Early in the 50s, the Emperor Claudius was able to produce an ancient letter in which the Senate granted friendship and alliance to a Seleucus (probably the Second, Callinicus), if he were to leave the Ilians, *consanguinei* of the Romans, free from tribute ('ab omni onere immunes').[29] Rather than giving credence to the story, the reference to a written document makes it more suspect. Claudius undoubtedly had a

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[26] Cic. *Verr.* 4. 33. 72, see also 5. 47. 125. Erskine is right in stressing the judicial context. Judicial emphasis does not mean pure invention, however. His statement that kinship between Romans and Segestans was "not familiar to Cicero's audience; indeed he himself had probably heard of it only recently" (*Troy*, 180) is at least arbitrary.

[27] *Dig.* 27. 1. 17. 1: "Iliensibus et propter inclutam nobilitatem civitatis et propter coniunctionem originis Romanae iam antiquitus et senatus consultis et constitutionibus principum plenissima immunitas tributa est." I would argue that the expression used by Callistratus ('propter coniunctionem originis Romanae') is not at all casual, but betrays the need of substituting a term (*cognatio* or *consanguinitas*) that had legal value only when applied to private law and not in *ius gentium* with an explanatory periphrasis.

[28] *CIL* v. 6984.

[29] Suet. *Claud.* 25. 3. The explanatory note of D. Hurley, *Suetonius, Divus Claudius* (Cambridge Greek and Latin Classics; Cambridge 2002), 176, is misleading. It is not Nero (Tacitus, *Ann.* 12. 58 and Suet. *Nero* 7. 2) who read the letter mentioned by Suetonius. His Greek declamation in favour of the Ilians may even be later. On Nero's orations, see C.P. Jones, "Oratoria di Nerone," in A. De Vivo and E. Lo Cascio (eds.), *Seneca uomo politico e l'età di Claudio e di Nerone: Atti del Convegno internazionale Capri 25–27 marzo 1999* (Scrinia 17; Bari 2004), 229–239, with mention of the discourse for Ilium.

letter and considered it authentic, but forgery was not at all unusual. As for the historicity of the episode, earlier contacts with other Hellenistic rulers, such as Ptolemy,[30] should lead us to be prudent in refuting the report about Seleucus. The alliance may have been a later addition, but friendship is acceptable. Also, this would be consistent with the inclusion of Ilium in the peace of Phoenice.[31]

There is also an uncontroversial piece of information in the passage of Suetonius. By the time of Claudius, at the latest, it was considered normal that the Senate recognize kinship relations. This is a minor point, but worthy of closer examination. When checking our evidence for kinship between Rome and other *poleis* and peoples, we find at least one, possibly two, references to an explicit pronouncement of the Senate. This is true of the Aeduans, who were called *fratres* of the Romans by the Senate more than once, and probably also of the Lampsacans (see below). Quite frustratingly, the only official document recording kinship (again a *senatus consultum*), comes from Lanuvium and not from Rome. It is not surprising that we do not find any mention of *cognatio*/συγγένεια in Roman treaties, since their normative character, as opposed to the explanatory one of *senatus consulta*, makes such a notation quite improper.[32] We must still face the fact that the evidence for cases

[30] Liv. *Per.* 14; Dio Cass. frg. 41 (Zonar. 8. 6. 11); Eutrop. 2. 15; App. *Sicil.* 1.

[31] This information is highly controversial, see M. Holleaux, *Rome, la Grèce et les monarchies hellénistiques au IIIe siècle avant J.C. (273–205)* (Bibliothèque des écoles françaises d'Athénes et de Rome 124; Paris 1921), 258–260; J.-L. Ferrary, *Philhellénisme et impérialisme: aspects idéologiques de la conquête romaine du monde hellénistique, de la seconde guerre de Macédoine à la guerre contre Mithridate* (Bibliothèque des écoles françaises d'Athénes et de Rome 271; Rome 1988), 25 n. 81; C. Habicht, *Athen: Die Geschichte der Stadt in hellenistischer Zeit* (Munich 1995), 198 (annalistic forgery); E. Bickerman, "Les préliminaires de la seconde guerre de Macédoine", *RevPhil* 9 (1935), 59–81; 161–176, 68 = id., *Religions and Politics in the Hellenistic and Roman Periods*, ed. by E. Gabba and M. Smith (Biblioteca di Athenaeum 5; Como 1985), 103–140, 112; J. Balsdon, "Rome and Macedon 205–200 B.C.", *JRS* 44 (1954), 30–42, 32–34. E. Gruen, *Studies in Greek Culture and Roman Policy* (Cincinnati Classical Studies, new series 7; Leiden 1990), 31–33, who also accepts, quite rightly to my mind, the Trojan myth as a ground for importing the Magna Mater Cult. The importation of this cult would naturally go in the same direction as the adscription of Ilium to the peace. On the Magna Mater, see recently L. Roller, *In Search of God the Mother: the Cult of Anatolian Cybele* (Berkeley 1999), 263–285 (in favour of Trojan connection), with bibliography.

[32] Given the limited quantity of such documents, it would not be a great addition to our knowledge in any case. A list in S. Mitchell, "The Treaty between Rome and Lycia of 46 B.C. (Ms 2070)", in R. Pintaudi (ed.), *Papyri graecae Schøyen (PSchøyen I)* (Papyrologica Florentina 35; Firenze 2005), 165–250, 173–175, and id., "Ein Vertrag zwischen Rom und den Lykiern aus Tyberissos", in Ch. Schuler (ed.), *Griechische Epigraphik in Lykien. Eine Zwischenbilanz, Akten des int. Kolloquiums München 2005* (Vienna 2007), 51–79. I am most grateful to the latter for sending me a draft of his article. As for the impossible

involving Rome is mainly literary, whereas much of the evidence for Greek, especially Hellenistic, *syngeneia* comes from inscriptions. After treaties are excluded for the reasons mentioned above, we see that most of the material is constituted by decrees or honorary inscriptions for judges, ambassadors or rhetors. Such evidence is less frequent in Latin inscriptions.

However, we may have Greek honorific inscriptions for ambassadors who dealt with the Romans. This is the case with one of the most important documents for the history of Roman intervention in Asia Minor. It is almost unique, since it offers us a direct and quite extensive glimpse of how kinship diplomacy could work and what it meant.[33] As it happens, we would not have known anything about the kinship between Lampsacus and Rome if it had not been for this inscription. Indeed, this is the first undisputed occurrence where Rome is addressed as kin, and it happens almost certainly because of the Trojan connection.

As Antiochus threatened Western Asia Minor cities, Lampsacus sent an embassy under Hegesias to the Romans to seek help (autumn 197, or early 196).[34] No mention is ever made of the Seleucid ruler, but the historical context is reasonably clear. The description of Hegesias' mission is quite detailed and highly interesting. Kinship has been adduced

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presence of *syngeneia/cognatio* in a treaty, if a proof for the expected absence of *cognatio/syngeneia* in treaties were needed at all, it is enough to think of the new treaty between Romans and Lycians of 46 B.C., Mitchell above, where there is no mention at all of *syngeneia*. Some treaties between Greek cities mentioning *syngeneia*: H.H. Schmitt, *Die Staatsverträge des Altertums, iii: Die Verträge der griechisch-römischen Welt von 338 bis 200 v. Chr.* (Munich 1969), nos. 523, 537, 552, 585.

[33] The importance of the document has been stressed by M. Holleaux, "Lampsaque et les Galates en 197–196", *REA* 18 (1916), 1–11, 1 = id., *Études d'épigraphie et d'histoire grecques* (Paris 1957), v. 141–155, 141. For the text, see P. Frisch, *I. Lampsakos* 4, with bibliography. English translation R. Sherk, *Rome and the Greek World to the death of Augustus* (Translated documents of Greece and Rome 4; Cambridge New York 1984), no. 5; R. Bagnall and P. Derow, *The Hellenistic Period: Historical Sources in Translation* (Blackwell sourcebooks in ancient history; Oxford 2004), no. 35. Notwithstanding the great importance of the document, it still lacks a general study. The only relevant study since the 1950s is that of Ferrary, *Philhéllenisme*, 133–141, and several observations in Desideri, "Studi di storiografia eracleota, ii", 501–506. Some observations, recently, in C. Koehn, *Krieg—Diplomatie—Ideologie, Zur Aussenpolitik hellenistischer Mittelstaaten* (Historia Einzelschriften 195; Stuttgart 2007), 202–203. L. Robert in Holleaux, *Études* v. 142 mentioned that M. Holleaux had a detailed comment almost ready, and he himself intended to work on the piece.

[34] App. *Syr.* 2. 5 refers probably to a later embassy, see Gruen, *Hellenistic World and the Coming of Rome*, 621 n. 42; Ferrary, *Philhellénisme*, 135 n. 12.

more than once. On what basis, why, and with what outcome, are the questions that I discuss here.

Having accepted a risky venture that nobody wanted, Hegesias sailed and met L. Flamininus. Hegesias asked for his help in securing favourable treatment, reminding him that their respective peoples were συγγενεῖς and that the Massaliotes were brothers of the Lampsacans and friends and allies of the Romans. Up to this point the kinship argument is emphasized, while the request remains quite vague. Flamininus acknowledged the kinship and promised to do what he could and to include Lampsacus in any oath or treaty. His reply was sent to Lampsacus, which was relieved by it. Thereafter the *quaestor* attached to the fleet also gave positive feedback, which was in due course sent to Lampsacus and possibly stored in its archives. Then Hegesias undertook the long journey to Massalia. In front of the Six Hundred he asked for a Massaliotan delegation to join him. That was granted, and a letter to the Galatian Tolostoagi was given. Once in Rome, the Massaliotans recalled their friendship to the Romans, introduced Hegesias to the Senate, and vouched for the request of the Lampsacans, their brothers. It was now up to the ambassador to speak to his request. Again he recalled the duties that stem from kinship and requested that Lampsacus be included in the peace with the king (Philip V). The Senate agreed and wrote it down. For all other matters they were referred to T. Flamininus and the Ten. So they went to Corinth and met with Flamininus, who wrote letters to the kings.

The importance of kinship as a useful instrument for creating a bond with Rome and having their request fulfilled is evident, but it must not lead us to credit *syngeneia* with a value it never had. In the Republican period it almost always remained a means to achieve something and was not valuable *per se*. The people of Lampsacus carefully recorded that L. Flamininus recognized them as kin (ll. 23–26 and 30–31). Once they received positive feedback from the Senate, this was the only thing they were interested in recording on stone (ll. 66–67). As Hegesias eventually visited T. Flamininus and the Ten, he did not even mention kinship (or at least it was not considered worth recording), having already a senatorial decision in his favour (ll. 70–75).[35]

[35] I. Lampsakos 4, ll. 23–26: … ἐπιβάλλειν γὰρ αὐτ[οῖς / ἀεὶ προίσ]τασθαι τῶν τῆι πόλει συμφερόντων διά τε [τὴν ὑ/πάρχουσαν] ἡμῖν πρὸς αὐτοὺς συγγένειαν, ἣν καὶ ἀπο- - - / [- - - κ]αὶ διὰ τὸ Μασσαλιήτας εἶναι ἡμῖν ἀδελφ[ούς]; ll. 30–31: [ἐν γὰρ ταύτ]αις διασαφεῖ, ἀποδεχόμενος τὴν οἰκε[ιότη/τα καὶ συγγέν]ειαν τὴν ὑπάρχουσαν ἡμῖν

The question of why Rome and Lampsacus were relatives is easy to answer: it depended on shared Trojan descent. In this case I would refrain from accepting the idea that the Lampsacans' argument was based on their membership of the Iliadic league.[36] As I hope to have made clear before, cults were an extremely important element and firmly bound to kinship, and Rome was aware of this fact. Nonetheless, from a logical point of view, even if in practice it could sometimes be the other way round, it is kinship that precedes participation in a cult, as can be seen, for example, in the invitation to join the Leukophryenia of Magnesia. I do not want to overemphasize the role played by kinship in Hegesias' mission, but it must not be underestimated. At least to the Lampsacan mind it was an important and not merely a rhetorical element. It seems to have passed unnoticed that a third kinship might be implicitly assumed in this inscription. Apart from Rome and Lampsacus, Lampsacus and Massalia, we may suppose a sort of kinship (in this case ethnic) in the request concerning the Tolostoagi. It is quite possible that the Lampsacans relied on the relations of Massalia with the Gauls and on the affinity of this people with Asia Minor Gauls.[37] All this being said, I shall briefly mention two objections raised by M. Holleaux. In his view, oriented toward denying the importance to Rome's Trojan myth before the case of Lampsacus, the Lampsacans did not rely heavily on kinship, although they did make an attempt to claim it. To his mind, their arguments were contradictory in so far as they claimed kinship on a different basis with Rome and with Massalia, also Lampsacus did not ask Ilium for *sympresbeutes*, going instead to Massalia. Whereas the first point has been confidently rejected by Curty,[38] the second one deserves a closer look. It has troubled scholars to a certain extent and several concluded that Ilium had by that time

πρὸς Ῥωμ[αίους]. Ll. 66–67: [ἡ σύγκλητος περι]έλαβεν ἡμᾶς ἐν ταῖς συνθήκαις πρ[ὸς τὸμ βα/σιλέα, καθό]τι καὶ αὐτο[ὶ] γράφουσιν· περὶ δὲ τῶν σ[υμπάντων ἄλ/λων ἀνήγαγ]εν αὐτοὺς ἡ σύγκλητος πρὸς τὸν [τῶν Ῥωμαί/ων στρατηγ]ὸν ὕπατον Τίτον καὶ τοὺς δέκα τοὺς ἐ[πὶ τῶν τῆς Ἑλλά/δος πραγμάτω]ν.

[36] This was accepted among others by Dittenberger (*Syll.*^{3} 591, n. 1); Jones, *Kinship Diplomacy*, 96; P. Derow, "The Arrival of Rome: From the Illyrian Wars to the Fall of Macedon", in A. Erskine (ed.), *A Companion to the Hellenistic World* (Blackwell Companions to the Ancient World; Oxford 2003), 51–70, 62. Holleaux, *Rome, la Grèce et les monarchies hellénistiques*, 54 n. 2, on the contrary rejected it, and I find his argument convincing.

[37] Tectosages were both in Gaul and in Asia Minor. The point has been made by Bagnall and Derow, *The Hellenistic Period*, 72. Cf. Just. 38. 4. 9–10.

[38] Curty, *Parentés*, 251–253.

already been conquered by Antiochus.[39] It may be better to focus on why they went to Massalia *per se*, and not why they did not ask Ilium.[40] It is in fact beyond doubt that Hegesias had great expectations for his trip to Massalia, otherwise he would not have made such a long detour. Apart from several aspects that we know nothing about, like the political relations between Lampsacus and Massalia,[41] or the possibility that Ilium was by this point occupied by Antiochus, there were some advantages in this choice. Ilium was nothing if not a close kin of Rome, and Massalia had ancient and material relations with Rome, so that it might have appeared as more competent and influential in Roman matters.[42] Secondly, Hegesias and his friends were able to get a letter to the Galatians, the purpose of which was either commercial or military (Galatian mercenaries), or both.

This document raises far broader issues that affect kinship in so far as they may provide evidence for the value that the Romans gave to *syngeneia*. Elias Bickerman dedicated a special study to this inscription, arguing that the Romans actually did not comply with Lampsacan requests. They pretended to be moved by such nice things as kinship but eventually acted in a different way. A great misunderstanding took place, and that was due to a basic difference between Roman and Greek international law. Hegesias and his fellow envoys believed they had succeeded and Lampsacus was reckoned as a signatory power in the peace with Philip, whereas the Romans were thinking only of the first chapter of the senate decree, which guided the actions of the Ten. According to this chapter the Greeks were to be considered free and autonomous, both on the mainland and in Asia. On the contrary, J.-L. Ferrary showed that, notwithstanding the correctness of Bickerman's general observations, he might be mistaken in this specific case. Lampsacus might have been 'adscripta' to the treaty, as was the case for other states with respect to the peace of Phoenice.[43]

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[39] H.H. Schmitt, *Untersuchungen zur Geschichte Antiochos des Grossen und seiner Zeit* (Historia Einzelschriften 7; Wiesbaden 1964), 291–292; Bickerman, "Préliminaires de la seconde guerre de Macédoine", 112 n. 3.

[40] Not many years later, Ilium interceded for the Lycians, its relatives, Polyb. 22. 5, see below.

[41] *I. Priene* 65 may record Massalia's intervention in Asia Minor at about the same time, but the restoration is far from sure, see Hiller, *ad loc*.

[42] On Rome and Massalia, see G. Nenci, "Le relazioni con Marsiglia nella politica estera romana dalle origini alla prima guerra punica", *RSL* 24 (1958), 24–97. C. Ampolo, "L'Artemide di Marsiglia e la Diana dell'Aventino", *PP* 25 (1970), 200–210.

[43] Ferrary, *Philhellénisme*, 137. His interpretation has recently been accepted by Derow,

Once we put aside Bickerman's suggestion of bad faith on the Romans' part, which also discredited the value of kinship, we still have to consider to what extent it influenced the actions of both parties in this case. Given the general political situation, it would have been unusual if Rome were to concede to Lampsacus more than it did, that is, making it a party to the peace (*adscriptio*). A formal alliance would have constituted a much more direct action against Antiochus.[44] *Syngeneia* characterized the very first steps of the approach of Lampsacus, and it certainly helped strengthen the request. From the Roman point of view it constituted an additional justification for its interest and subsequent intervention, as may have happened at the beginning of the First Punic war with respect to the Mamertines against Hiero. We may remember, for example, that Antiochus told Rome to stick to its own affairs in Italy and not interfere in Asia (Polyb. 18. 51. 3). If we accept that there was no misunderstanding, how much Rome believed in kinship is a rather different question. To blame Rome for undervaluing kinship in this case actually means to overestimate the phenomenon in the Greek world. If Rome was not greatly moved by kinship, the same could be said of Lampsacus. After a period in which the city is believed to have been under Philip, Lampsacus was given a treaty in 170.[45] Those who want to play down Roman obligations toward Lampsacus consider this as proving a lack of interest from the Romans. Actually, Lampsacus' behaviour in that period is far from clear. Modern scholars have doubted Livy's testimony to the extent of interpreting it as the result of a pro-Macedonian position.[46]

The later intervention of the Ilians on behalf of the Lycian *koinon* may be connected to what happened to Lampsacus. Because of their pro-Antiochus behaviour, the Lycians feared some punishment from Rome. Interestingly enough, they did not deem it wise to appeal directly to Rome, and asked the Ilians to act as intermediaries, and not, for example, as 'sympresbeutai'. Hipparchos and Satyros begged the Ten to be kind to the Lycians, and they apparently got a positive

"The Arrival of Rome", 62. The presence of Massalian envoys reinforces Ferrary's demonstration, since they were likely to be not alien to Roman customs.

[44] It is well known that Lampsacus, along with Alexandria Troas and Smyrna, was deeply involved in the outbreak of Rome's war against Antiochus, see Polyb. 18. 52; Liv. 35. 15–17; Polyb. 21. 13; Diod. Sic. 29. 7.

[45] Liv. 43. 6. 7.

[46] R. Bernhardt, *Imperium und eleutheria: die römische Politik gegenüber den freien Städten des griechischen Ostens* (Hamburg 1971), 83 n. 182, followed by Ferrary, *Philhellénisme*, 140 n. 31.

answer. Meanwhile the Rhodians were assured that they had control over Lycia and Caria. The Ilians went back to Lycia and claimed to have accomplished their task. There was great jubilation all over the country, until an embassy was sent to Rhodes where it was told that Lycia and Caria had been given ἐν δωρεᾷ to Rhodes. A period of agitation followed, and a Xanthian embassy was sent ten years later to Rome to ask for better treatment. The story ended when Rhodes was punished after the war with Perseus and Lycia and Caria were eventually freed.[47]

What interests me here is the beginning of the story. Polybius specifies that the Ilians asked the Romans to forgive the Lycians in virtue of the kinship by which they were related to themselves.[48] Who are 'they'? Scholars have expressed different views on this. From a grammatical point of view, either the Lycians or the Romans are possible.[49] Nevertheless, I believe that these possibilities are not equally convincing and that only one should be accepted. It would actually be very obvious if Polybius were to remember the well-known kinship between Ilium and the Romans. On the other hand, the Ilians had to explain why they wanted to help the Lycians, in the very same way the Massaliotans did before the Roman Senate in favour of Lampsacus (ll. 55–56). An

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[47] Polyb. 22. 5, translated with comment in L. and J. Robert, *Le plateau de Tabai et ses environs* (La Carie 2; Paris 1954), 308–309. Cf. Liv. 37. 55. 5–6, 38. 39. 13. Xanthian embassy: Polyb. 25. 4. 5. Liberation: Polyb. 30. 5. 12; Liv. 44. 15. 1; 45. 25. 6. H.-W. Wiemer, *Krieg, Handel und Piraterie. Untersuchungen zur Geschichte des hellenistischer Rhodos* (Klio Beihefte n.F. 6; Berlin 2002), 260–271 and 277–288 for the meaning of ἐν δωρεᾷ. On this expression, coming to a similar conclusion, see the interesting remarks of J.-L. Ferrary, "Rome et les cités grecques d'Asie Mineure au IIe siècle a.C.", in A. Bresson and R. Descat (eds.), *Les cités d'Asie Mineure occidentale au IIe siècle a.C.* (Ausonius 8; Bordeaux 2001), 93–106, here 95–97. Further on Rhodes and Lycia: A. Bresson, "Rhodes and Lycia in Hellenistic Times", in V. Gabrielsen (ed.), *Hellenistic Rhodes: Politics, Culture, and Society* (Studies in Hellenistic Civilization 9; Aarhus 1999), 98–131, 106–118; M. Zimmermann, "Bemerkungen zur rhodischen Vorherrschaft in Lykien (189/88–167 v. C.)", *Klio* 75 (1993), 110–130, arguing that Rhodian domination was not as harsh as we are told by the sources.

[48] Polyb. 22. 5. 3: παρὰ δὲ τῶν Ἰλιέων ἧκον Ἵππαρχος καὶ Σάτυρος, ἀξιοῦντες διὰ τὴν πρὸς αὑτοὺς οἰκειότητα συγγνώμην δοθῆναι Λυκίοις τῶν ἡμαρτημένων.

[49] Romans: Walbank, *Historical Commentary on Polybius*, iii. 182; Zimmermann, "Bemerkungen zur rhodischen Vorherrschaft", 115 n. 26, not excluding an indirect reference to kinship between the Ilians and Lycians; Lycians: Curty, *Parentés*, 175, C.P. Jones, "Virgil and the Lycians", in F. Fido, R. Syska-Lamparska, P. Stewart (eds.), *Studies for Dante: Essays in honor of D. della Terza* (Fiesole 1998), 19–23, 21. Ambiguity: Erskine, *Troy*, 176–177. Such ambiguity must be limited strictly to Polybius' brief statement, and not as reflecting the actual Ilian argument. The Ilians were likely to have, in that order, renewed their kinship to the Romans and explained how they were related to the Lycians.

ambiguous statement might work as well (Ilians relatives of both), but it is not necessary. This is not the point, though. In arbitrations it was not unusual that the judging city was a relative of both parties, in order to guarantee impartiality.[50] In this case we see that the Lycians called Ilium in for mediation, probably because of the fact that it was a common kin. This appeal then followed a traditional pattern. Kinship might influence the mood of the Romans, but it was no definitive argument. Still, it may be observed that the Lycians, in due time, were eventually recognized as *cognati* of the Romans, but this was most likely the result of long standing pro-Roman behaviour, and did not characterize Roman-Lycian relations from the beginning. (It is clear that they hoped that the Romans would have made the simple equation and agreed on a kinship from the beginning, but it did not happen.) The Romans apparently understood the reasons, stemming from *syngeneia*, that pushed the Ilians into their mediating role, as, for example, did Sulpicius Rufus later on when the Aeginetans begged him to be allowed to request money for the ransom from *poleis* that were kin to them. He accepted, 'since that was the usage by them'.[51] Did this comprehension of the request imply a positive answer? According to the Ilians, yes. As L. Robert put it: "il peut être difficile dans ces affaires diplomatiques de démêler ce qui est illusion ou ce qui est confiance dans les paroles de l'interlocuteur; ainsi le cas des ambassadeurs d'Ilion".[52] A misunderstanding took place, either intentional or casual,[53] As a matter of fact, the Romans complied with what had been requested of them, this way respecting their duties towards the Ilians, their *syngeneis*, who had in turn done the same towards the Lycians, but only to a limited extent.

One among the great merits of Curty's collection of inscriptions mentioning the word *syngeneia* is that it shows beyond any doubt that *syngeneia* is not equivalent to *oikeiotes*. The former refers to proper kinship, whereas the latter may not imply that relation, and refers rather to a sort of close friendship (although not the same as *philia*), or familiarity.[54] Interstate *syngeneia* was a concept that could be easily understood by a Roman, and at least in part accepted. *Cognatio* is a perfect trans-

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[50] *IG* vii. 4130 (Curty, *Parentés*, no. 9); *Milet* i/3, 152 (Curty, no. 61); *I. Pergamon* i. 245 (Curty, no. 40); *I. Magnesia am Maeander* 105 = *I. Cret.* iii/4. 9 (Curty, no. 34).

[51] Polyb. 9. 42. 5.

[52] Robert, *Tabai*, 309, n. 2.

[53] Schmitt, *Rom und Rhodos*, 84–128. Cf. n. 47, above.

[54] Jones, *Kinship Diplomacy*, 14; 58; S. Hornblower, *A Commentary on Thucydides* (Oxford 1996), ii. 67–70.

lation into Latin. The same does not apply to *oikeiotes*. In juridical terminology it refers to kinship by marriage, i.e. Latin *adfinitas*,[55] but it is completely alien to interstate vocabulary, and there is no precise equivalent in Latin, unless we suppose that it could be incorporated sometimes in *cognatio* and sometimes in *amicitia*. Not once in Sherk's collection of *Roman Documents from the Greek East* does the term *oikeios/oikeiotes* appear as defining interstate dealings. It depends largely on the fact that *oikeiotes*, as well as *syngeneia*, had very little place in such a context.[56] Still, this shows clearly that the difference between *oikeiotes* and *philia* was perfectly clear to the mind of a Roman. This short excursus aims at introducing two cases slightly different from those mentioned above, in so far as they do not explicitly record a kinship. The first one is that of Delos. From a fragmentary inscription, usually dated to the first half of the second century B.C.,[57] we learn that an embassy went to Rome and remembered the friendship (*philian*) and close relationship (*oikeioteta*). It is of course a unilateral statement, and we know nothing about what they wanted, what they got and on which terms. F. Durrbach said about the expression 'φιλία καὶ οἰκειότης' that "est courant et de style pour signifier entre États des relations de cordiale amitié … c'est en sens aussi qu'elle doit être prise ici". That is not always true, and probably does not apply to this case. It is in fact noteworthy that, as common as the expression may be, it was very seldom used in relation to Rome. Delos addressed Rome as any other Greek city, assuming that certain values were shared. Must we suppose that its choice came out of the blue or that it had observed that it might be a way to gain some favour from Rome in recalling a shared past? It might be possible to trace back some of the myths on which the Delians relied in claiming to be 'oikeioi' of the Romans, and A. Erskine is probably right to stress the role played by Anius, priest of Delian Apollo, whom Virgilius will later on describe as 'hospes' of Anchises.[58] On the other hand we could con-

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[55] *Senatus consultum sub edicto* of Cyrene, *RDGE* 31, ll. 116–118. I am considering only epigraphical sources.

[56] It is possible to find it among individuals, of course, see *RDGE* 31; 38; 45 (*oikeiotes*). Interstate *syngeneia* appears once in a letter of a magistrate to the Ilians, *RDGE* 53 = *I. Ilion* 77.

[57] *IG* xi/4. 756. It must precede Athenian control over Delos (167–6 B.C.).

[58] Verg. *Aen*. 3. 82, cf. Ov. *Met*. 13. 640. This interpretation has been proposed by A. Erskine, "Delos, Aeneas and *IG* xi. 4. 756", *ZPE* 117 (1997), 133–136; id., *Troy*, 185–188. I doubt if Launa (Lavinia), daughter of Anios, had a role as well. The better known Lavinia, daughter of Latinus and eponym of Lavinium, was quite an important

sider an alternative explanation for this *oikeiotes*. Let me cite as a parallel another inscription, where a mention is made of *oikeiotes*. The inscription comes from Alabanda and is an honorary decree for a citizen who participated in three different embassies (two to Rome, one to a king). Unfortunately the inscription has defied any attempt to date it with certainty.[59] Very broadly it can be placed in the period between the peace of Apamea and the years soon after the Mithridatic war. This uncertainty does not greatly affect my point, though. The first embassy's goal was to make an alliance (*symmachia*) with Rome. The outcome is in doubt, but it is quite interesting to see the difference between the alliance and the less formal relations which are previously renewed, i.e. *philian kai oikeioteta*.[60] We are now faced with the question of which value to give to these terms. The first one may easily be explained with a reference to the military help that Alabanda provided to Rome. Have we to assume that *oikeiotes* implied some ancestral, i.e. mythical, connection as has been proposed for Delos? Carian Alabanda could produce several stories in this respect (though none directly connected to the Trojan myth), and we must remember that the city thoroughly emphasized its Hellenic character. Not least it took the name of Antiochia of the Chrysaorenses and as such claimed a flamboyant kinship towards all the Greeks.[61] No wonder, then, that it could easily speak in terms of *oikeiotes*. Whether or not a mythical past was recalled, there may be another aspect in these requests. Both Delos and Alabanda hosted important cults (Apollo, in Alabanda with the epithet Isotimos, jointly with Zeus).[62] It would be no great surprise if their fame as religious places allowed them to address the Romans in friendly terms, or if the Romans tolerated, if not promoted, such behaviour. It must be briefly

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character for the Trojan setting in Latium and this seems to be true starting at least with Cato, fr. 11 P.

[59] Gruen, *The Hellenistic World and the Coming of Rome*, 733–735 (date uncertain); C. Marek, "Karien im Ersten Mithradatischen Krieg", in P. Kneissl and V. Losemann (eds.), *Alte Geschichte und Wissenschaftsgeschichte: Festschrift Karl Christ* (Darmstadt 1988), 285–308, 294–295 (after Aristonicus). Further bibliography in F. Canali de Rossi, *Le ambascerie*, no. 266. Recently Ph. Gauthier, "Trois exemples méconnues d'intervention", in P. Frohlich and C. Müller (eds.), *Citoyenneté et participation à la basse époque hellénistique* (Hautes études du monde gréco-romain 35; Geneva 2004) 79–93, 85–89 (late date).

[60] ll. 11–13: σπεύδοντός τε [τοῦ] / δήμου τὴν ὑπάρχουσαν πρὸς Ῥωμαίους οἰκ[ειό]/τητα καὶ φιλίαν ἀνανεώσασθαι … (l. 15) καὶ ποιήσασθαι συμμαχ[ίαν].

[61] *OGIS* 234 (Curty, *Parentés*, no. 13 with bibliography).

[62] Antiochia Chrysaorensis had been recognized as *asylos* by the Delphic amphictiony, see K. Rigsby, *Asylia: Territorial Inviolability in the Hellenistic World* (Berkeley 1996), 326–330.

mentioned that Alabanda got *autonomia* and *aphorologesia* (this is the topic of the second embassy).[63] In this respect we might look to the case of Samothrace. In Servius' commentary to the *Aeneid*, the inhabitants of Samothrace are said to be relatives of the Romans.[64] The possible connection here is slightly closer and more complicated (the outcome as well was different, i.e. proper kinship), since Roman Penates were identified with Samothracian Great Gods. If we believe the news about the *cognatio* in Servius, a possible date for this kinship between Romans and Samothracians would be the second half of the second century B.C. As Astarte abandoned the Carthaginians after the end of the First Punic war and Venus was subsequently brought to Rome to be worshipped with the greatest honours, so after Perseus' defeat, the Great Gods might have looked more like the Penates. Quite interestingly we find news about this identification in the fragments of Cassius Hemina, whose work is to be dated to the middle of the second century.[65]

Up to this point I have considered all the occurrences when some other people called the Romans relatives. They mostly come from Asia Minor, which is predictable both on mythical and historical grounds, considering the Trojan myth and expansion to the East. They all point to the fact that the initiative never came from Rome itself; indeed, we see that quite the opposite is true. Lastly, it can be doubted to what extent kinship influenced Roman decisions. The results are apparently contradictory. On the one hand, it is uncontroversial that more than once ambassadors fostered their requests alleging *syngeneia*. On the other hand, the Romans were not willing to let *syngeneia* influence their actions beyond a certain limit. Of course, this does not mean that they entirely rejected the concept of *syngeneia* between cities. I would suggest that they could, and did, understand and accept many aspects of this

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[63] It is significant that Alabanda enjoyed a good treatment by Rome after Apamea, notwithstanding its previous loyalty to Antiochus. Later on, it established a cult for 'Roma', on which see R. Errington, "Θεὰ Ῥώμη und römischer Einfluß südlich des Mäanders in 2. Jh. v. Chr.", *Chiron* 17 (1987), 97–118, 101.

[64] Serv. Schol. ad Ver. Aen. 3. 12: "Dii Penates a Samothracia sublati ab Aenea in Italiam advecti sunt, unde Samothraces cognati Romanorum esse dicuntur" ("the Gods Penates were taken from Samothrace and brought to Rome by Aeneas. That is why the Samothracians are said to be relatives (cognati) of the Romans").

[65] Hemina fr. 6 P = 7 Chassignet = 7a Santini, cf. fr. 5 P = 6 Chassignet = 6 Santini. I am not saying that Roman devotion towards the Great Gods was a political matter. Marcellus made an offer to the Samothracian deities already after the sack of Syracuse (Plutarch. *Marc.* 30). Nevertheless, after Perseus' defeat, traditions connecting Rome with Samothrace could be better exploited.

phenomenon (for example, the religious one) and that, in doing so, they followed mainly Greek traditions. Let me now go west in order to look for some more evidence, so that we may get a clearer picture of what kinship diplomacy meant in the Roman view. In the following cases, we cannot, unfortunately, trace the claim of kinship back to a specific embassy, but we can try to guess and define the initial context in which such claims were made, and their significance.

Case Studies, II

When Caesar conquered Gaul, he could count on the help of one population, the Aeduans. In his *Commentaries*, the general remembers more than once the close connection that existed between Romans and Aeduans, brothers of the same blood (sons of the same father), according to an official statement by the Senate.[66] Cicero at about the same time confirms this report.[67] Odd as it may seem, this information is certainly true. No one could doubt the double statement of Caesar and Cicero, nor the fact that later sources also confirm this story.[68] It is striking how often we find this kinship mentioned with respect to the scarcity of evidence for other *cognationes*,[69] to the point that the only other equally attested *syngeneia* involving Rome is that of the Ilians. Ancient authors might have been no less impressed than we now are. At the level of a curiosity the Roman-Aeduan brotherhood has in fact troubled modern scholars, who proposed different explanations. O. Hirschfeld suggested that the Romans followed some Gallic tradition, which is highly unlikely when we consider that the Senate expressed itself on that matter.[70] C. Jullian mentioned 'une éternelle et mystérieuse fraternité', adding in a footnote that, according to a certain tradition, the Aeduans were considered Trojans.[71] The case is peculiar indeed, but it does not constitute an anomaly. Possibly this brotherhood came into existence, or better said, was remembered, in the last quarter of the second cen-

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[66] Caes. *B Gall.* 1. 33. 2; 1. 36. 5; 1. 43. 6; 1. 44. 9.

[67] Cic. *Att.* 19. 2 (60 B.C.); *Fam.* 33. 4 (54 B.C.). See Tac. *Ann.* 11. 25.

[68] *Pan. Lat.* 5. 2. 4; 6. 22. 4; 8. 21. 2; 9. 20. 2.

[69] Strabo 4. 3. 2; Diod. Sic. 5. 25. 1; Plutarch. *Caes.* 26.

[70] O. Hirschfeld, "Die Haeduer und Arverner unter römischen Herrschaft", *SPAW* 9 (1887), 1099–1119, 1110–1111 = id., *Kleine Schriften* (Leipzig 1913), 186–208, 198–200.

[71] C. Jullian, *Histoire de la Gaule*, III (Paris 1909), 28 and notes 1; 2. A good analysis in D. Braund, "The Aedui, Troy, and the *Apokolokyntosis*", *CQ* 30 (1980), 420–425.

tury B.C. as the Romans helped the Aeduans who had been attacked by the Allobroges.[72] By then the Aeduans had had several contacts with the Greeks and especially Massalia. If we value these contacts and think of the possible influence that Massalia might have had on Aeduan culture,[73] there is no need to look for some Gallic tradition.[74] On the contrary, it is possible to apply again the concept of a Greek style brotherhood. In this respect it is extremely important to establish on which basis these two peoples could be *fratres*. Notwithstanding the fact that testimonies for a Trojan presence in Gaul are later, the first one being Timagenes in Augustan times,[75] I believe that once again this is the basis on which the Aeduans built their request. The main objection to this comes from Hirschfeld, who pinpointed the silence of the *Panegyrici Latini* in this respect while often remembering the *fraternitas* that united Romans and Aeduans. Since the interest of the panegyrist lies in establishing a close tie with the emperor, who was not much moved by being a Trojan by the end of the third-beginning of the fourth century A.D., it is by all means natural that Eumenius and his colleagues preferred to dwell more on the feelings connected with and deriving (for example, *ingenua et simplex caritas*) from kinship, than with its explanation. When a reason for kinship is given, there seems to be more emphasis given to the emperor's role in founding Augustodunum as grounds for *consanguinitas* with the Romans.

The figure of the emperor brings me to the last case: Nicopolis. This 'city of victory' was founded with a synoicism that brought together different peoples (Epirotes, Acarnanians, Aetolians) and commemorated Octavian's victory over Antony at Actium and the end of the Civil War. The architectural structure of the *tropaeum* was ambitious and

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[72] Liv. *Per.* 61 (121 B.C.) records Roman action against the Allobrogi in aid of the Aeduans, friends (the adjective is restored) of the Roman people.

[73] Later on, Strabo 4. 1. 5 informs us that Massalia was a sort of *paideuterion* for the Gauls. On the contacts between the city and Gauls, see M. Clerc, *Massalia: Histoire de Marseille dans l'Antiquité, des origines à la fin de l'Empire Romain d'Occident* (Marseille 1927–1929), i. 339–358; ii. 36–64.

[74] It is not to be excluded that this *fraternitas* could assume different nuances in Rome and in Bibracte, C. Jullian, *Histoire de la Gaule*, iii. 28 n. 2: "les Romains ont pu accepter la fraternité a la gauloise parce que il existait la légende d'une parenté à la troyenne".

[75] *FGrHist* 88 F 2, there is a textual problem, since manuscript tradition has 'aiunt quidam paucos post excidium Troiae et fugitantes Graecos', which would imply a joint flight of Trojans and Greeks. The 'et' has been deleted, quite rightly to my mind, by Gelenius, followed by E. Norden, *Die germanische Urgeschichte in Tacitus Germania* (Darmstadt 1959^4), 51 n. 3 and F. Jacoby, *ad loc.*

magnificent. Remains of the *rostra* are still there to impress the visitor. The ideological program behind it was no less impressive. The city, created *ex nihilo* and sacred to Apollo, enjoyed a prominent role in the Greek religious world, having for example the majority of votes in the Delphic amphictiony. Notwithstanding this symbolic importance, there is a major question concerning Nicopolis' legal status. Ancient Latin sources call it a colony,[76] whereas several Greek sources and modern scholars tend to consider it a *civitas libera*.[77] The issue becomes relevant for my present analysis in so far as Servius Danielinus, commenting on Virgil's expression 'cognatas urbes' (*Aen.* 3. 502), referring to Rome and Aeneas' foundation in Epirus for Helenus and his fellows, says that some people understand that the cities are called kinsmen (*cognatas*) 'in honorem Augusti'. It was he in fact who in founding Nicopolis took care that its citizens were recognized as relatives of the Roman people.[78] I should like to suggest that this passage in Servius cannot be dismissed as ill-informed or pure etiological invention. Nothing in Vergil points to a *foedus*, so that this reference, if not historical, would be too gratuitous an invention. If the city was a colony, *foedus* would probably be the wrong term to indicate the *lex coloniae*, whereas if, as seems more likely, Nicopolis was a *civitas libera*, *foedus* would then be the correct expression. As we have seen, the common ground to be relatives of the Romans was to be Trojan. Nicopolis is no exception. But the case is peculiar. There were several local old traditions that recorded a Trojan presence in the zone (especially Epirus), but which were related more to the place than to the people. Nicopolis was in fact a new foundation and it hosted different peoples, including Aetolians, who had fought at Troy on the Achaean side. So its Trojan character

[76] Plin. *HN* 4. 5: colonia Augusti Actium … ac civitate libera Nicopolitana; Tac. *Ann*. 5. 10.

[77] Strabo 7. 7. 6; Paus. 5. 23. 3. Among modern works see D. Strauch, *Römische Politik und griechische Traditionen* (Quellen und Forschungen zur antiken Welt 22; Munich 1996), 158–159, and in general 156–185, with complete bibliography and J. Isager (ed.), *Foundation and Destruction. Nikopolis and Northwestern Greece: the archaeological evidence for the city destructions, the foundation of Nikopolis and the synoecism* (Monographs of the Danish institute at Athens 4; Athens, Aarhus 2001). Regarding the legal status of Nicopolis, *colonia* or *civitas libera*, see also N. Purcell, "The Nicopolitan synoecism and Roman urban Policy", in A. Chrysos (ed.), *Proceedings of the First International Symposium on Nikopolis, 23–29 September 1984* (Preveza 1987), 71–90, 88, according to whom the city had a double status, like Patrai.

[78] Serv. Dan. ad Aen. 3. 501: "cognatas vero urbes quidam in honorem Augusti dictum accipiunt. Is vero cum Epiro Nicopolim conderet, cavit in foedere civitatis ipsius, ut cognati observarentur a Romanis".

might have been over-emphasized from above by the emperor. We see the old *cognatio* still operating between peoples and working on the same premises as before, but it seems that this kinship is meant much more to legitimize Augustan policy and cultural aspiration (Trojan myth) than to establish a real link between two peoples as it did before.

Now is the time to pick up the threads of this analysis. Rome, starting at least with the third century (Segesta and Mamertines), participated in the wider phenomenon of kinship diplomacy. This often meant recalling its Trojan origins, which proved to be a very good presentation to the Greek or Hellenized world. When looking for the value that interstate kinship had in the Roman mind, it may appear useful to distinguish between its political and cultural value. We would be cheated if we were to interpret the war against Antiochus the Great in the terms in which Thucydides, for example, explained the Sicilian expedition and the alliances based on the animosity existing between Dorians and Ionians. In contrast to what happens in the private sphere with marriages and adoptions, kinship between states directed Roman actions to a more limited extent. Roman relatives usually received special consideration and various benefits. When we consider the cultural value, we can trace a more positive behaviour. Far from marking an opposition to the Greeks, ancient foes of Troy, the myth worked as a bridge that allowed Rome to fill the gap towards the Hellenized world and to insert itself in the Greek cultural universe, as brilliantly suggested by E. Bickerman.[79] The point can be made in so far as we can see, even if vaguely, that kinship could be joined by cult elements (this is the case of Demetrius's request and of Samothrace). *Oikeiotes* goes perhaps in the same direction. Thanks to Polybius and inscriptions we are informed on precise diplomatic exchanges (actual embassies) involving kinship in the first half of the second century. Later on we can observe the *cognatio* already accomplished.

What we see is not a clash between Greek and Roman traditions. Rome inserted itself in this practice conscious of the various aspects that characterized the phenomenon, but kept a special profile. Far from being a passive recipient of Greek ideals, by choosing the Trojan myth to explain its origins internationally, Rome related itself by way of kinship to Hellenized or even barbaric states. It is not coincidental that we do not know any kinship with mainland Greeks, apart from Demetrius'

[79] The classical reference is to Bickerman, "Origines Gentium", *CQ* 47 (1952), 65–81 = id., *Religions and Politics in the Hellenistic and Roman Periods*, 399–417.

appeal concerning pirates. The pattern detected during the Republican period seems to be quite uniform with kinship connected to pro-Roman behaviour and, as a consequence, to a special condition of relatives. We can only guess how unusual the case of Centuripae is.[80] Evidence is quite fragmentary and does not allow general conclusions. The political and cultural modification at the end of the Republic was accompanied by a shift in the meaning of interstate kinship in Rome, which remained, with the exclusion of Ilium, mostly an honorary degree, but this is beyond the scope of the present analysis.

Let me conclude by citing Justin:

> Igitur cum ab utrisque bellum pararetur ingressique Asiam Romani Ilium venissent, mutua gratulatio Iliensium ac Romanorum fuit, Iliensibus Aenean ceterosque cum eo duces a se profectos, Romanis se ab his procreatos referentibus; tantaque laetitia omnium fuit, quanta esse post longum tempus inter parentes et liberos solet.

As a later reflection, which it possibly is, this *laetitia* often accompanies Roman belief in its Trojan origin (see also Livy and Tacitus)[81] and may provide us with an interpretative key to the Roman attitude towards its Trojan origins and kinship.

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[80] *Editio princeps*: G. Manganaro, "Un senatus consultum in greco dei Lanuvini per il rinnovo della cognatio con i Centuripini", *RAAN* 38 (1963), 23–44, cf. *BE* 1965 no. 499. Recent bibliography in *ISE* iii. 163.

[81] Liv. 38. 39; Tac. *Ann.* 4. 43.

DIPLOMACY AND IDENTITY AMONG JEWS AND CHRISTIANS[1]

James B. Rives

Sometime around the year 177 CE, a man named Athenagoras composed a defence of Christianity that he addressed to the emperors Marcus Aurelius and Commodus.[2] Because he is one of the rare extant writers not mentioned by Eusebius, our information about him is slight and uncertain. According to the unreliable Philip of Side, writing some 260 years later, he was the first head of the Christian school in Alexandria; he had originally been a Platonic philosopher who planned to write against the Christians, but on reading the scriptures had converted. Our only other source of information is the chief manuscript of his works, copied in 914 CE, which describes the author as "Athenagoras, Athenian, philosopher, Christian".[3]

Athenagoras opens his defence by noting that the various peoples of the empire are all allowed to follow their ancestral customs in worship, all except the Christians; Christians instead suffer punishment. If they

[1] I owe thanks to the audience of the original paper for their comments, to Steve Mason for his detailed comments on the penultimate draft, and to Claude Eilers for his helpful suggestions and for sharing with me his work on the documents in Josephus in advance of publication. Translations of Athenagoras are those of W.R. Schoedel, ed., *Athenagoras*: Legatio *and* De Resurrectione (Oxford, 1972); all other unattributed translations are my own.

[2] Αὐτοκράτορσιν Μάρκῳ Αὐρηλίῳ Ἀντωνίνῳ καὶ Λουκίῳ Αὐρηλίῳ Κομόδῳ Ἀρμενιακοῖς Σαρματικοῖς, τὸ δὲ μέγιστον φιλοσόφοις. There are several problems with the imperial titles in this inscription, suggesting that it has been either garbled or added by a later copyist. Yet even if we discount it, it is clear from the body of the text itself that the addressees were joint emperors (1. 1) and father and son (18. 2), which in the second century CE could mean only Marcus Aurelius and Commodus. Commodus became *imperator* on 27 November 176 and Augustus in early 177 CE, and Marcus Aurelius died on 17 March 180, giving *termini post* and *ante quem*; if Athenagoras' reference to the profound peace of the empire (1. 2) is not simply a rhetorical flourish, he must also have been writing before the start of the Marcomannic war in the summer of 178 CE. For the dates, see further L.W. Barnard, *Athenagoras: A Study in Second Century Christian Apologetic* (Paris, 1972), 19–22 and T.D. Barnes, "The Embassy of Athenagoras", *JTS* 26 (1975), 111–114.

[3] For full references and discussion, see Barnard, *Athenagoras*, 13–18 and Schoedel, *Athenagoras*, ix–xi; the fragment of Philip is most easily available in *PG* 6. 182.

are punished for actual crimes, he argues, then it is just; but if only because of their name, it is not. Athenagoras acknowledges that some people do in fact bring charges of criminal behaviour against Christians, which he categorizes under three headings: atheism, Thyestean banquets, and Oedipean unions (1–3). He then proceeds to refute these charges, focusing largely on atheism (4–30) and treating incest and cannibalism in what amounts to an appendix (31–36). He concludes with a brief plea that, having demonstrated the innocence of Christians, he should obtain his request for justice (37). Although Athenagoras' work has its own distinctive features, in its main outlines it has much in common with those other second-century Christian texts conventionally known as apologies: the argument that it is unjust to punish Christians merely for their name, the defence of Christianity as philosophically valid and morally pure, and the attack on Greek and Roman religious traditions as irrational and immoral.

For our purposes, what is particularly striking about Athenagoras' work is its title. The chief manuscript gives it the title Πρεσβεία περὶ Χριστιανῶν, "Embassy for Christians", and Philip of Side refers to it as ὁ ὑπὲρ Χριστιανῶν πρεσβευτικός (sc. λόγος), "the ambassadorial (speech) on behalf of Christians".[4] At least by the early fifth century CE, then, the title was clearly well established. It is interesting because it is so unusual. The normal practice, as I have already mentioned, was to refer to this sort of defence of Christianity as an ἀπολογία, an apology.[5] The title πρεσβεία, in contrast, is virtually unique, not just in early Christian literature but in Greek literature as a whole. There is in fact only a single parallel, so far as I know, and it is a highly problematic one: the work of Philo now known as *The Embassy to Gaius*.[6] Whether or

[4] Philip's evidence, which is surely a reliable indication of how the work was referred to in his day, strongly suggests that we should translate πρεσβεία as 'embassy' and not by a more general term like 'plea', since ὁ πρεσβευτικός was a standard technical term for an ambassadorial speech (Men. Rhet. 423. 6–424. 2).

[5] This usage is particularly clear in Eusebius, who applies the term to the works of Quadratus (*Hist. eccl.* 4. 3. 1), Aristides (4. 3. 3), Justin (4. 8. 3), Melito and Apolonarius (4. 26. 1), and Tertullian (2. 2. 4, 3. 33. 2, 5. 5. 5), and also refers to a lost work of Philo as Ὑπὲρ Ἰουδαίων ἀπολογία (*Praep. evang.* 2. 18. 6, 8. 10. 19); at about the same time, Lactantius similarly refers to Tertullian's *Apologeticum* (*Div. inst.* 5. 4. 3: 'in eo libro cui Apologetico nomen est'; cf. Jer. *Ep.* 70. 5).

[6] The question of the title is closely bound with the related question of the work's original scope. The chief manuscripts carry the title ἀρετῶν α′ ὅ ἐστι τῆς αὐτοῦ πρεσβείας πρὸς Γαίον. Eusebius cites ὁ Φίλων ἐν ᾗ συνέγραψεν Πρεσβείᾳ (*Hist. eccl.* 2. 5. 6) and quotes a passage from the text now known as the *Legatio* (*Hist. eccl.* 2. 6. 2 = *Legat.* 43); but he also refers to a work of Philo in five books that records the sufferings of

not the title *Embassy for Christians* was due to Athenagoras himself is less clear, although it seems unlikely that a later scholar or copyist would have assigned the work so unusual a title.[7]

More importantly, the persona that Athenagoras constructs for himself in the text is quite clearly meant to be that of an ambassador, someone speaking on behalf of a particular people before the emperors. Thus he opens by outlining the grievances of the group he represents: "To us, however, who are called Christians, you have not given the same considerations [as you give to the rest of your subjects], but allow us to be driven to and fro and persecuted, though we have done no wrong.… For these reasons we have dared to set forth an account of our position … and we ask you to show some concern also for us that there may be an end to our slaughter at the hands of lying informers" (*Leg.* 1. 3). Likewise, he concludes by asking the emperors to grant the redress that he requests: "Do you, who by nature and learning are in every way good, moderate, humane, and worthy of your royal office, nod your royal heads in assent now that I have destroyed the accusations advanced and have shown that we are godly, mild, and chastened in soul" (37.1). In significant respects, as I argue below, Athenagoras' embassy was very similar to the countless others that regularly appeared before the emperors. Whether it was a real embassy, that is, whether Athenagoras actually appeared before the emperors in person, is a much disputed question to which I will return at the end of my paper. But that the title is expressive of the author's self-presentation is clear enough.

There was, however, one very significant difference between Athenagoras' embassy and those countless others, and that lay in the identity of the people whom Athenagoras claims to represent: that is, the Christians. The vast majority of embassies to the emperors represented

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the Jews under Gaius (*Hist. eccl.* 2. 5. 1) that was apparently entitled Περὶ ἀρετῶν (2. 6. 3, 2. 18. 8) and in his *Chronicle* apparently referred to the second book of the Πρεσβεία (2. 150–151 Schoene). Most scholars deduce from this that Πρεσβεία was a subtitle, for which Philo himself was probably not responsible, of part or all of a work called Περὶ ἀρετῶν. See further E.M. Smallwood, ed., *Philonis Alexandrini Legatio ad Gaium*[2] (Leiden, 1970), 36–43 and E. Schürer, *A History of the Jewish People in the Age of Jesus Christ*, trans. and rev. G. Vermes, F. Millar, M. Black, and M. Goodman (Edinburgh, 1973–1987), 3. 859–864.

[7] This seems all the more unlikely in view of the fact that Athenagoras is the only 'apologist' who actually uses the verb ἀπολογεῖσθαι to describe his activity (*Leg.* 2. 6, 11. 3, 17. 1). The title may possibly have some resonance with the image of Christians serving as 'ambassadors of Christ' (2 Cor. 5: 20; cf. Eph. 6: 20, Ign. *Phld.* 10. 1.)

cities; indeed, the diplomatic forms that Greek *poleis* devised in their dealings with Hellenistic kings provided the chief model for embassies to the emperor.[8] In the imperial period, the practice of sending embassies was taken up by city-leagues and provincial councils as well. Embassies could also represent rulers and peoples outside the empire. Although it is difficult to generalize about such a wide range of groups, for the sake of my argument I will attempt to do so: those who sent embassies to the emperor were typically recognized as distinct peoples or formally established groups whose identities were locally defined. This characterization glosses over a number of significant distinctions, but serves to highlight the oddity of Athenagoras' position. Christians were not recognized as a distinct people or a formally established group, and they were certainly not definable in local terms. In representing himself as their ambassador, therefore, Athenagoras was implicitly advancing a highly contentious claim: that Christians did constitute a distinct group and ought to be recognized as such, even though their identity was not locally defined.

In this last respect, Athenagoras' claim was not entirely unprecedented. At least two other groups that were likewise not locally defined had successfully established diplomatic relations with emperors and other Roman officials: the 'world-wide assemblies' of athletes and theatrical performers and, more importantly, the Jews. Evidence for the 'world-wide assemblies' goes back to the very beginning of the imperial period. In 33/32 BCE, M. Antonius, in a letter to the provincial council of Asia, referred to a petition from 'the World-Wide Assembly of Sacred Victors and Crown-Wearers' (ἡ σύνοδος τῶν ἀπὸ τῆς οἰκουμένης ἱερονικῶν καὶ στεφανειτῶν), most likely an association of performers in the athletic competitions that were a regular part of Greek religious festivals. The petition, presented through Antonius' 'friend and gymnastic trainer' (φίλος καὶ ἀλείπτης) as well as the assembly's eponymous priest, asked him to confirm its existing privileges as well as grant new ones.[9] What is particularly interesting here is the claim that this assembly drew its membership not from a particular region but from the entire *oikoumene*. Although this might simply be rhetorical hyperbole, these athletic performers were necessarily peripatetic, since the circuit of festivals extended over much of the eastern empire and eventually

[8] Note also that Menander Rhetor assumes as the context of an ambassadorial speech someone speaking ὑπὲρ πόλεως καμνούσης (423. 7).

[9] *RDGE* no. 57; cf. F. Millar, *Emperor*, 456.

even into the west. Because their interests and to a certain extent their corporate identity was not limited to a particular region, it made sense for them to form a non-regional, universal association in order to further their interests.

Somewhat better attested is a similar organization of theatrical performers, whose circumstances were very similar to those of athletic competitors.[10] Although regional associations of these performers dated back to Hellenistic times, a 'world-wide' assembly seems to have developed in the Roman period. It is first attested by letters of Claudius addressed to 'the World-Wide Dionysiac Artists, Sacred Victors, and Crown-Wearers' (οἱ ἀπὸ τῆς οἰκουμένης περὶ τὸν Διόνυσον τεχνεῖται ἱερονεῖκαι στεφανεῖται), but references in these to Augustus indicate that the assembly must date at least to that emperor's reign.[11] The organization of this association, particularly the relationship of local groups to the world-wide assembly and each other, is far from clear. But there is certainly evidence for far-flung coordination of activities. For example, a decree of the world-wide assembly from Ancyra in 128 CE honours a local benefactor by promising the erection of statues not only in Ancyra itself but also in Naples (*SEG* 6. 59). A much more complex set of interactions can be discerned in an inscription from Nysa in Asia Minor. First, an imperial secretary named T. Aelius Alcibiades made various benefactions to the assembly's sacred precinct in Rome, in return for which the assembly in that city voted him various honours and sent a copy of their decree to the assembly in Asia. The members of the assembly there, who were meeting in Ephesus for the great Ephesian games, thereupon voted him further honours, including statues in the temples of the emperors throughout Asia; they also arranged an embassy to bring copies of the decrees from both Rome and Ephesus to Alcibiades' hometown of Nysa, and to have them inscribed there in the temple of Apollo.[12]

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[10] See in general A. Pickard-Cambridge, rev. J. Gould and D.M. Lewis, *The Dramatic Festivals of Athens*^{2} (Oxford, 1968), 297–302 and Millar, *Emperor*, 456–463; cf. R. Merkelbach, "Eine Inschrift des Weltverbandes der dionysischen Technitai (CIG 6829)", *ZPE* 58 (1985), 136–138.

[11] *P Oxy*. 2476, ll. 1–4; cf. *Milet* 1. 3, no. 156, which refers more generally to 'emperors before me'. Although the word σύνοδος does not occur in these letters of Claudius, it is regularly found in documents from the time of Hadrian on: e.g., *P Oxy*. 2476, l. 5 and *SEG* 6. 58, l. 1.

[12] *I. Eph*. 1a. 22.

The 'World-Wide Assembly of Dionysiac Artists' functioned in many significant respects like a city or provincial council: it issued decrees, as the inscriptions discussed above attest, and elected officials who functioned as quasi-magistrates. It also carried on a regular diplomatic exchange with emperors and other Roman officials, registering the decree of honours and requesting the grant or confirmation of privileges. Claudius, for example, in the letter already cited, "permit[ted] the erection of such statues as those with which we may be worshipped with proper reverence, and confirm[ed] the rights and favours granted you by the god Augustus"; these requests had been made through the agency of formal ambassadors (πρεσβεῖς) whose names are carefully noted (*P Oxy*. 2476, ll. 2–4). Like cities and councils again, the assembly had copies of its decrees and of imperial responses publicly inscribed and recorded in archives. The letter of Claudius is itself part of such an archive, found in slightly different forms in three separate papyri from Oxyrhynchus, that also included among other items a summary of an edict of Hadrian listing the assembly's privileges and a letter from Severus thanking the assembly for its good wishes on his accession and confirming its privileges. In one of these papyri, this archive of imperial letters was used to support the application of a certain Aurelius Hatres, who had been elected high priest of the assembly, to the town council of Oxyrhynchus for exemption from taxes and liturgies, in accordance with the association's privileges.[13] We can see here how the assembly actively used the records of its diplomatic exchanges with the emperors in order to further the interests of its members, and we can assume that there was a regular internal circulation of such documents for these purposes.

The world-wide assemblies of athletic and theatrical performers constituted one important precedent for Athenagoras and other Christian leaders. As Fergus Millar has stressed, their records "show that bodies which seem to have had a developed formal structure, but were neither cities, leagues nor any other type of local grouping, could address themselves to emperors just as cities or leagues did"; it was apparently from these associations that Christians in the fourth century adapted the word 'oecumenical' as a term to describe councils of bishops such

[13] The Hatres dossier is *P Oxy*. 2476, dating to 289 CE. *BGU* 1074 = *SB* 5225 dates to 275 CE, and includes a letter of Severus and Caracalla not found in the Hatres dossier; it concerns a similar application by a M. Aurelius Apollodidymus, elected as secretary of the assembly. The fragmentary *P Oxy*. 2610 lacks a date but is late third century CE.

as that which met at Nicaea.[14] The Jews, however, provided a much more immediate precedent.

In many respects the Jews were typical of groups that had diplomatic relations with the emperor, in that they were a distinct people whose identity was at first locally defined: they were the inhabitants of Judaea, the temple-state centred on Jerusalem. The Judaeans, like other peoples drawn gradually into the ambit of Rome, regularly sent embassies to the Senate and to individual Roman commanders in order to win general goodwill and obtain specific benefits, beginning with Judas Maccabaeus' request for a military alliance in the late 160s BCE (1 Macc. 8, Jos. *AJ* 12. 414–419). By that time, however, Judaeans were living not only in Judaea itself, but throughout the eastern Mediterranean, from Asia Minor to Egypt. Because their traditional cult entailed numerous distinctive customs, such as the obligations to respect the Sabbath, to observe their dietary laws, and to avoid idolatry, these Judaean immigrants tended to maintain a distinctive ethnic identity and to form separate communities in the cities where they lived.[15] There is ample evidence that, as the lands in which they lived came to be under Roman rule, these local communities also entered into diplomatic relations with Roman authorities. As formally established and locally defined groups, their diplomatic activities fell into the normal pattern of diplomacy in the Roman world.[16]

But the identity of these local Judaean communities was not defined solely in local terms. There was also a strong perception, on the part both of Judaeans themselves and of outsiders, that they continued to form part of the Judaean nation wherever they lived. Hence Greek writers, both Judaean and non-Judaean, regularly describe them regardless of location as a distinct 'nation' (ἔθνος) or 'class' (φῦλον) or 'race' (γένος) of people; less commonly, people used the language of Judaean 'citi-

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[14] Millar, *Emperor*, 462; on the later Christian use of the term 'oecumenical', see H. Chadwick, "The Origin of the Title 'Oecumenical Council'", *JTS* n.s. 23 (1972), 132–135.

[15] On the extent of the Judaean diaspora, see the geographical survey in Schürer, *History of the Jewish People*, 3. 1–86; for nuanced discussions of Jewish identity in the diaspora, see J.M.G. Barclay, *Jews in the Mediterranean Diaspora from Alexander to Trajan (323 BCE – 117 CE)* (Edinburgh, 1996), 399–444 and E.S. Gruen, *Diaspora: Jews amidst Greeks and Romans* (Cambridge, Mass., 2002), 239–252.

[16] On the organization and political situation of local Judaean communities, see in general Schürer, *History of the Jewish People*, 3. 87–137 and Gruen, *Diaspora*, 105–132; on their diplomatic exchanges, see especially T. Rajak, "Was There a Roman Charter for the Jews?", *JRS* 74 (1984), 107–123.

zenship' (πολιτεία). Hence also both writers and Roman officials often referred to the Judaeans' 'ancestral' (πάτριος) customs or laws.[17] Local Judaean communities also maintained more or less close connections with the Judaean homeland, above all through the practice of sending regular offerings to the national temple in Jerusalem; the collection and delivery of the sacred funds to Jerusalem was one of the chief organized activities of local Judaean communities. There seems also to have been regular pilgrimage to Jerusalem, often no doubt in tandem with delivery of offerings, in order to take part in the major festivals there.[18] In significant respects, then, the Judaeans constituted a single albeit geographically dispersed people, what we would call a diaspora, that had significant links with the Judaean homeland.

Recognition of Judaeans as a single people meant that the diplomatic activities of local Judaean communities did not always proceed along the same lines as other locally defined groups. We see a good example in a letter from the magistrates of Laodicea to C. Rabirius, the proconsul of Asia, dating probably to c. 105 BCE.[19] The Hasmonean ruler of Judaea, Hyrcanus I, had sent ambassadors to the proconsul with 'documents concerning their nation' (περὶ τοῦ ἔθνους αὐτῶν γεγραμμένα) that guaranteed them the right to observe their customs 'in accordance with their ancestral laws' (κατὰ τοὺς πατρίους νόμους), and had requested

[17] See further J.M. Lieu, "The Race of the God-Fearers", *JTS* ns 46 (1995), 483–501 at 491–493 and Barclay, *Jews in the Mediterranean Diaspora*, 405–408. Note especially Philo *Legat.* 214: the ἔθνος of the Judaeans is not limited to a single χώρα like others, but extends practically over the entire οἰκουμένη; cf. *Legat.* 281–282 and *Flacc.* 45–46. The author of 2 Maccabees refers to the nation in Judaea as a πολιτεία (e.g., 4: 11, 8: 17) and describes the Judaeans in Samaria as his πολῖται (5: 23); the *Letter of Aristeas* refers to the Judaeans of Egypt as the 'fellow-citizens' (πολῖται) of the high priest Eleazar (e.g., 36, 44, 126); Josephus regularly uses the word πολίτευμα in describing the laws of the Judaean people (*Ap.* 2. 145–295 *passim*); see further L. Troiani, "The πολιτεία of Israel in the Greco-Roman Age", in F. Parente and J. Sievers, eds., *Josephus and the History of the Greco-Roman Period: Essays in Memory of Morton Smith* (Leiden, 1994), 11–22. For references to 'ancestral' laws and customs in official documents, see, e.g., Jos. *AJ* 14. 227, 235, 245, 252, 258, 260, 263; for parallels, see M. Pucci Ben Zeev, *Jewish Rights*, 195.

[18] See in general Barclay, *Jews in the Mediterranean Diaspora*, 417–424 and Gruen, *Diaspora*, 243–247.

[19] Jos. *AJ* 14. 241–243. Most scholars have dated this document to the 40s BCE, assuming the Hyrcanus in question to be Hyrcanus II: see Pucci Ben Zeev, *Jewish Rights*, 92–98, with further bibliography. But R. Syme, in his review of A. Degrassi, *Inscriptiones Latinae Liberae Rei Publicae*, *JRS* 57 (1967) 262–263, repr. in his *Roman Papers*, vol. 2 (Oxford, 1979), 638–641 at 639–640, made a case for the earlier date; see now the detailed arguments of Eilers (forthcoming). On Hyrcanus I, see in general Schürer, *History of the Jewish People*, 1. 200–215.

the proconsul to write to particular cities in Asia to ensure that they did not infringe this guarantee. An ambassador of Hyrcanus I then brought a letter to that effect from the proconsul to the Laodiceans, who deposited it in their public archives and wrote a response to Rabirius assuring him of their compliance; it is a copy of their response that Josephus eventually incorporated into his *Jewish Antiquities*. This set of diplomatic exchanges is striking for the very active role played by Hyrcanus I and the apparently passive role of the Judaean community in Laodicea, for all that it was one the beneficiaries. Its involvement may in fact have been limited simply to preserving and perhaps sharing with other Judaean communities a copy of the Laodicean magistrates' letter.

We find something very similar two generations later, with Hyrcanus II likewise acting as a diplomatic go-between on behalf of Judaean communities in Asia. A letter from P. Cornelius Dolabella, who was in Asia conscripting men for the Roman civil war, to the city of Ephesus provides an excellent example. Dolabella writes that "Alexander son of Theodorus, ambassador of Hyrcanus …, has explained to me about the inability of his fellow citizens (οἱ πολῖται αὐτοῦ) to serve in the army"; following the precedent of previous Roman officials, Dolabella grants them exemption from military service and the right to observe their 'ancestral customs' (οἱ πάτριοι ἐθισμοί). He writes to the magistrates of Ephesus not only to inform them of his decision, but also to request them to transmit it to the other cities of the province.[20] Here again we find tacit Roman acknowledgement of the close ties between Judaean communities in Asia and the Judaean ruler, whose right to take action on their behalf seems not to be in question.

To use a modern analogy, Roman officials seem in these instances to have regarded the Judaean communities in the cities of Asia almost as groups of Judaean nationals resident abroad, on whose behalf Judaean leaders could legitimately take action. I would not want to press this analogy too far, since in certain respects I regard it as rather misleading. For one thing, it implies a notion of Judaean citizenship comparable

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[20] Jos. *AJ* 14. 223–227, with the discussion of Pucci Ben Zeev, *Jewish Rights*, 137–148. The translation of πολῖται here is debated, with some scholars preferring to avoid the literal meaning (Pucci Ben Zeev, *Jewish Rights*, 142–143), but the fact that some Judaeans adopted this language to describe their ethnic identity is clear enough (see above, n. 17); Dolabella presumably used the term through analogy with his own relationship to locally resident Romans (an observation I owe to Claude Eilers). On the direction to distribute the letter through the province, see the parallels noted by Pucci Ben Zeev, *Jewish Rights*, 144–145.

to citizenship in a modern nation state; this is quite out of place in the Roman world, where technically one could be a citizen only of Rome or of an officially recognized Graeco-Roman city. It likewise suggests that Hyrcanus I and Hyrcanus II were acting in some official capacity analogous to that of a modern consul, whose formal duties include providing official support to local citizens of the countries they represent. Yet their relationship to Judaean communities outside Judaea is unlikely to have been defined in such sharp legal terms.[21] It seems to me better to understand them in the context of the personal relationships that informed so much of Roman political life. Hyrcanus II, for example, had influence with Roman officials because of his decision to support Caesar at a crucial time; in using this influence on behalf of Judaeans outside Judaea, he was able to extend his own authority and influence more widely.[22]

Nevertheless, the analogy of 'Judaean nationals resident abroad' is useful, because it underlines a distinctive aspect of these communities' diplomatic activities, namely, the increasing tendency on the part of Roman officials to treat all Judaeans, regardless of where they lived, as members of a single body. We see an early example of this in the letter of Dolabella, who by requesting the magistrates of Ephesus to transmit his decision regarding the Judaeans to the other cities of the province clearly intended it to apply to all the Judaeans in Asia, not simply those of Ephesus. The Judaeans of Asia themselves were in turn quite willing to follow up on this Roman recognition by taking collective action. For example, in 14 BCE, when Marcus Agrippa was in Ionia, 'a great number of Judaeans who lived in the cities'

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[21] Some scholars argue that Caesar in fact granted Hyrcanus II a formal role as protector of Judaean rights throughout the diaspora, citing the phrase from one of the Caesarian decrees preserved by Josephus that ὁ ἀρχιερεὺς αὐτὸς καὶ ἐθνάρχης τῶν Ἰουδαίων προιστῆται τῶν ἀδικουμένων (*AJ* 14. 196); see, e.g., Pucci Ben Zeev, *Jewish Rights*, 65–66; Gruen, *Diaspora*, 89. This seems to me an overly legalistic interpretation; moreover, we find other Judaean leaders (Hyrcanus I, Agrippa I) taking on the same role without any evidence of a formal grant from Rome. Should this view be accepted, however, it would only strengthen my case that Roman authorities for the purposes of diplomacy regarded local Judaean communities as subdivisions of a single people rather than individual groups.

[22] Hyrcanus' ally Antipater, the father of Herod, supported Caesar in Egypt with a force of 3000 men, and also persuaded the Judaeans of the region to side with him: Jos. *BJ* 1. 187–192, *AJ* 14. 127–139; on Hyrcanus II, see in general Schürer, *History of the Jewish People*, 1. 267–280. Gruen, *Diaspora*, 89–90 argues that Caesar's grants to Hyrcanus were meant primarily to increase his own influence in an area where Pompey had been powerful.

(πολὺ πλῆθος Ἰουδαίων ὃ τὰς πόλεις ᾤκει) complained to him that they were being prevented from observing their ancestral laws. Herod, who was accompanying Agrippa at the time, urged him to listen to their complaints and arranged for his minister Nicolaus of Damascus to speak on their behalf; as a result Agrippa granted their requests (Jos. *AJ* 16. 27–61). Although the details of this episode are far from certain, it seems clear enough that the Judaeans of an entire region, presumably the province of Asia, were able to act for diplomatic purposes as a single group.[23]

We see evidence of more formalized collective activity in an edict issued by Augustus, perhaps c. 3 BCE. According to Josephus (*AJ* 16. 160–161), the Judaeans in Asia (οἱ κατὰ τὴν Ἀσίαν Ἰουδαῖοι) were again being prevented from observing their customs, and so sent an embassy (ἐπρεσβεύσαντο) to the emperor. Augustus responded with an edict in which he confirmed their privileges, noting their goodwill towards the Roman people and in particular that of Hyrcanus II towards his father Caesar. He also gave directions that a copy of his edict should be displayed in the imperial temple of the province, along with a copy of the decree (ψήφισμα) which the Judaeans had issued in his own honour and that of C. Marcius Censorinus.[24] All this suggests that

[23] By 'Ionia' Josephus presumably meant the central coast of the Roman province of Asia, but he does not say whether the Judaeans who appealed to Agrippa were from that part of Asia only or from the entire province. Immediately afterwards (*AJ* 16. 63), however, he refers to this episode as τὰ περὶ τοὺς Ἰουδαίους ὅσοι κατὰ τὴν Ἀσίαν ἦσαν, which indicates that in his mind at least it involved the entire province. The other evidence for measures concerning the Judaeans of Asia as a whole suggests that he was probably correct: see not only the letter of Dolabella and the decree of Augustus discussed in the text, but also the letters of Agrippa (*AJ* 16. 167–168) and Iullus Antonius (*AJ* 16. 172–173) to Ephesus dealing with the privileges of the 'Judaeans in Asia' (οἱ ἐν τῇ Ἀσίᾳ Ἰουδαῖοι and οἱ ἐν Ἀσίᾳ κατοικοῦντες Ἰουδαῖοι, respectively). Most scholars regard the letter of Agrippa as his response to the delegation in Ionia: e.g., Schürer, *History of the Jewish People*, 3. 119 n. 47 and Gruen, *Diaspora*, 99; see further the discussion in Pucci Ben Zeev, *Jewish Rights*, 267–271; for a date in the late 20s BCE, see C. Eilers, "M. Silanus, Stratoniceia, and the Governors of Asia under Augustus", *Tyche* 14 (1999), 77–86.

[24] Jos. *AJ* 16. 162–165, with the comments of Pucci Ben Zeev, *Jewish Rights*, 235–256; on the date, see C. Eilers, "The Date of Augustus' Edict on the Jews (Jos. *AJ* 16. 162–165) and the Career of C. Marcius Censorinus", *Phoenix* 58 (2004), 86–95. As with virtually all the documents quoted by Josephus, there are problems with the text, which refers to the temple dedicated to Augustus ὑπὸ τοῦ κοινοῦ τῆς Ἀσίας ἐν †ἀργυρῇ†; Scaliger conjectured ἐν Ἀγκύρῃ, but Ancyra was in Galatia, not Asia: see further Pucci Ben Zeev, *Jewish Rights*, 246–247. Yet not only does the reading 'Asia' seem secure, but inscriptions recording honours for Censorinus in various cities of that province indicate that he served there as proconsul.

the Judaeans of Asia had acted very much as a formally constituted body by engaging in traditional diplomatic activities: they had issued an honorary decree for the emperor and the provincial governor and then sent ambassadors to the emperor to present the decree and request the confirmation (or in this case the reassertion) of previously granted privileges. Augustus' positive response constituted his tacit acceptance of the claims to formal status implied by this diplomatic activity.

The tendency to deal with the Judaeans as a single geographically dispersed people rather than as individual local communities reached its climax with the edict that Claudius issued at the request of Agrippa I and Herod of Chalcis shortly after becoming emperor in 41 CE.[25] Agrippa in particular had influence with Claudius, since he had played a key role in the delicate negotiations that resulted in his becoming emperor. Claudius rewarded Agrippa personally by making him king over the same extensive territory that his grandfather Herod had ruled, but was clearly ready to grant him other favours as well.[26] In this edict Claudius grants to 'Judaeans throughout the empire under the Romans' (οἱ ἐν πάσῃ τῇ ὑπὸ Ῥωμαίοις ἡγεμονίᾳ Ἰουδαῖοι) the same privileges as those that he had recently confirmed for the Judaeans in Alexandria, citing not only their goodwill but also the precedents provided by Augustus. He accordingly decrees that "Judaeans throughout the world ruled by us (ἐν παντὶ τῷ ὑφ' ἡμᾶς κόσμῳ) shall keep and preserve their ancestral customs (τὰ πάτρια ἔθη) without let or hindrance", and directs that town councils and client kings throughout the empire shall have the edict publicly displayed. In this exchange, Agrippa I assumes the diplomatic role played by Hyrcanus II and Herod the Great before him, although he is able to extend his patronage even further, over the Judaean population of the entire empire.

We should not overestimate the Roman tendency to treat the Judaeans of the empire as a single people. On the one hand, it really was just a tendency, not a formally established policy. Although Roman authorities were willing to acknowledge the role of Judaean rulers in diaspora diplomacy and, increasingly, to deal with Judaeans on a regional and even empire-wide basis, much of the diplomatic activity for which we

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[25] Jos. *AJ* 19. 287–291, with the comments of Pucci Ben Zeev, *Jewish Rights*, 328–342.

[26] On Agrippa, see generally Schürer, *History of the Jewish People*, 1. 442–454; on his role in Claudius' accession, see Jos. *AJ* 19. 236–247 and *BJ* 2. 206–213. It was Agrippa who obtained from Claudius the kingdom of Chalcis for his brother Herod (Jos. *AJ* 19. 277; see further Schürer, *History of the Jewish People*, 1. 571–572).

have evidence concerns individual local communities of Judaeans. It seems quite clear that in no period did the Judaeans of the empire regularly function as a single group.[27] On the other hand, the extent to which this tendency continued after the Julio-Claudian period is very uncertain. The destruction of the Jerusalem temple in 70 CE eliminated one of the most important centralizing institutions of the Judaean people, perhaps as part of a deliberate Roman policy to weaken their national identity; the very nature of Judaean identity after 70 CE has been the subject of considerable recent scholarly debate.[28] Certainly there is much less evidence for organized diplomatic exchanges between Roman authorities and the Judaeans after that date, although that may simply reflect the fact that most of our evidence comes from Josephus, a source for which there is no parallel in the later period. We occasionally have evidence for contexts in which diplomatic activity might have taken place, notably the rescript of Antoninus Pius that granted Judaeans the right to circumcise their sons (*Dig*. 48. 8. 11). Since we know of this rescript only from its citation by the third-century CE jurist Modestinus, in a passage that itself survives only as an excerpt in the Digest, we can say nothing definite about its addressee or specific context; it is not impossible that it was written in response to a Judaean embassy. But given our lack of information, that can only be the sheerest speculation.[29]

It is nevertheless clear that the Judaeans provided an important precedent for the Christians in their diplomatic exchanges with Roman

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[27] See above all Rajak, "Was There a Roman Charter", on the local nature of most Jewish diplomacy.

[28] On the destruction of the temple as part of Roman policy, see J.B. Rives, "Flavian Religious Policy and the Destruction of the Jerusalem Temple", in J. Edmondson, S. Mason, and J. Rives (eds.), *Flavius Josephus and Flavian Rome* (Oxford, 2005), 145–166. Some scholars have argued vigorously that in this period Jewish identity shifted from essentially ethnic to largely religious, e.g., M.D. Goodman, "Nerva, the *Fiscus Judaicus*, and Jewish Identity", *JRS* 79 (1989), 40–44, and S.J.D. Cohen, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley, 1999). S. Schwartz, *Imperialism and Jewish Society, 200 B.C.E. to 640 C.E* (Princeton, 2001), by contrast, has proposed that Jewish identity largely dissolved in the wake of the temple's destruction, except among the largely marginal rabbis, and that it was only the pressures generated by increasing Christianization in the fourth century that led to the 'rejudaization' of the Jews.

[29] See further E.M. Smallwood, *The Jews under Roman Rule from Pompey to Diocletian* (corrected ed., Leiden, 1981), 469–472 and A. Linder, *The Jews in Roman Imperial Legislation* (Detroit, 1987), 99–102. Rabbinic texts (e.g., *b. Me'il.* 17a–b) mention embassies to the emperor to plead for the repeal of the ban on circumcision, but it is extremely difficult to evaluate them as historical sources.

authorities. The differences between the two groups, of course, were significant. Christians, unlike Judaeans, did not constitute an ἔθνος in the sense that the word was normally used in antiquity: they had no homeland, no common ancestry, no native rulers who could intervene on behalf of local groups. In discussing the status of Christian communities in the Roman world, for example, it would be quite impossible to employ an analogy of 'Christian nationals resident abroad'.[30] In contrast, the 'world-wide assemblies' of athletes and theatrical performers provided a model for groups with a formally established supra-local corporate identity, and in this respect they should have served as a much useful precedent for Christians. But they had few if any of the attributes of a 'people', and athletes and theatrical performers were hardly the sorts of people on whom the early Christians wished to model themselves. To the extent that they adopted any pre-existing models of group identity, it was to the Judaeans that they looked.

The most distinctive of the terms that Christians came to apply to themselves is ἐκκλησία, the traditional Greek word for an assembly. Paul, the earliest Christian writer to employ this term, tended to apply it to individual groups of Christians. For example, he addresses the Christian community of Corinth as 'the assembly of God that is in Corinth' (1 Cor. 1: 2, ἡ ἐκκλησία τοῦ θεοῦ ἡ οὖσα ἐν Κορίνθῳ; cf. 2 Cor. 1: 1 and 1 Thes. 1: 1), and regularly refers to multiple, and thus individual, 'assemblies' (1 Thes. 2: 14, 1 Cor. 16: 1 and 19, 2 Cor. 8: 1, Gal. 1: 2 and 22, Rom. 16: 4 and 16). Although the local application of the term continued, it also came to acquire a more universal meaning. So for example in the gospel of Matthew (16: 18) we read that Jesus told Peter that 'upon this rock I will build my assembly', and in Acts (9: 31) we hear about the growth of the 'assembly' throughout Judaea, Galilee, and Samaria. This universalizing usage was perhaps influenced by Judaean precedents, since ἐκκλησία is used in the Septuagint to describe the 'congregation of Israel' (e.g., Deut. 31: 30, Judg. 20: 3, 3 Kgdms 8: 14). During the second century it became increasingly well established. The phrase καθολικὴ ἐκκλησία, 'general' or 'universal assembly', occurs

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[30] Buell's cautions on an overly rigid interpretation of terms like ἔθνος are well-taken, yet she does not really address the common associations of the word that I note here: the fluidity of these terms does not mean that contemporary actors perceived no significant distinction between 'figurative' and 'real' peoplehood: D.K. Buell, "Rethinking the Relevance of Race for Early Christian Self-Definition", *HTR* 94 (2001), 449–476 at 466–472, esp. 471, and *Why This New Race: Ethnic Reasoning in Early Christianity* (New York, 2005), 37–41.

first in a letter of Ignatius of Antioch (*Smyrn.* 8. 2), writing in the early second century, and the author of the *Martyrdom of Polycarp*, writing in the middle of the century, twice uses the phrase 'the general assembly throughout the world' (ἡ κατὰ τὴν οἰκουμένην καθολικὴ ἐκκλησία).[31] The parallel here with the 'world-wide assemblies' of athletes and theatrical performers is striking, especially since those groups also took the structure of a universal association with local chapters, although they employed the term *synodos* rather than the distinctive *ekklesia*.

Early Christian writers also adopted the term γένος, 'race' or 'descent-group', a term that as we saw above was regularly applied to the Judaeans.[32] The author of the *Martyrdom of Polycarp*, for example, refers to 'the race of Christians' (3. 2) or 'the race of the righteous' (14. 1 and 17. 1). The apologists in particular made considerable use of the term in order to present Christians as a people distinct from all others. I have already noted Athenagoras' implicit comparison of Christians to other peoples in the opening of his *Embassy*, and the author of the *Epistle to Diognetus*, an apology of uncertain but probably second-century date, employs the same idea when he describes Christians as 'this new race' (1.1). More explicitly, Aristides of Athens, one of the first Christians to dedicate to an emperor a defence of his religion, structures his entire text around the division of humanity into different 'races' (γένη): Greeks, barbarians, Judaeans, and Christians.[33] Although this four-part division raises all sorts of interesting issues, what is important for us is the identification of Christians as a distinct people, comparable to Greeks and Judaeans.

Early Christian writers also adopted the terminology of 'citizenship' as a way of describing Christian adherence, perhaps again looking to Judaean tradition.[34] The author of the *Epistle to Diognetus* develops this

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[31] 8 and 13. Compare the salutation in that text: ἡ ἐκκλησία τοῦ θεοῦ ἡ παροικοῦσα Σμύρναν τῇ ἐκκλησίᾳ τοῦ θεοῦ παροικούσῃ ἐν Φιλομηλίῳ καὶ πάσαις ταῖς κατὰ πάντα τόπον τῆς ἁγίας καὶ καθολικῆς ἐκκλησίας παροικίαις.

[32] On the language of race in early Christianity, see further Lieu, "Race of the God-Fearers" and *Christian Identity in the Jewish and Graeco-Roman World* (Oxford, 2004), 259–266; Buell, "Rethinking", "Race and Universalism in Early Christianity", *JECS* 10 (2002), 429–468, and *Why This New Race*; A.P. Johnson, *Ethnicity and Argument in Eusebius'* Praeparatio Evangelica (Oxford, 2006), 33–54.

[33] This is the division found in the Syriac and Armenian versions. The late Greek adaptation inserted into the novel *Barlaam and Josaphat* has a threefold-division: οἱ τῶν παρ' ὑμῖν λεγομένων θεῶν προσκυνῆται καὶ Ἰουδαῖοι καὶ Χριστιανοί; the first of these groups is then sub-divided into Chaldeans, Greeks, and Egyptians.

[34] For the application to the Judaeans of *politeia* and similar terms, see above, n. 17;

idea in a complex and subtle way: he acknowledges that Christians do not constitute a people in any traditional sense, but nevertheless asserts their corporate identity. "Christians", he says, "are not distinguished from the rest of humanity by country, language, or custom. For nowhere do they live in cities of their own, nor do they speak some unusual dialect, nor do they practice an eccentric life-style.... But while they live in both Greek and barbarian cities, as each one's lot was cast, and follow the local customs in dress and food and other aspects of life, at the same time they demonstrate the remarkable and admittedly unusual character of their own citizenship (πολιτεία)".[35]

Given these modes of Christian self-description, it is not surprising that some Christian leaders also adopted, insofar as they were able, the standard forms of traditional diplomacy in presenting themselves to the emperor and other Roman officials. In addition to Athenagoras, I will consider here three further examples that date to roughly the same period. The first is Justin Martyr, who addressed an apology (or apologies) to Antoninus Pius and his sons probably in the mid 150s.[36] The second is Melito, the bishop of Sardis, whose apology to Marcus Aurelius dates probably to 176; although this work does not itself survive, Eusebius quotes from it a few key passages.[37] The third is Tertullian, whose apology of 197 or 198 is addressed not to the emperor but to Roman governors.[38] All these writers present themselves

see further, on the meaning of the verb πολιτεύεσθαι in Josephus, S. Mason, *Flavius Josephus on the Pharisees* (Leiden, 1991), 347–352. That verb, and to a lesser extent the nouns cognate with it, often has the primary meaning in early Christians texts of 'to live, to behave (in a certain way)' (e.g., Phil. 1: 27, 1 *Clem.* 3. 4, 21. 1), but the metaphor of citizenship nevertheless seems to have been a living one (e.g., 1 *Clem.* 54. 4, ταῦτα οἱ πολιτευόμενοι τὴν ἀμεταμέλητον πολιτείαν τοῦ θεοῦ ἐποιήσαν καὶ ποιήσουσιν; cf. *Mart. Pol.* 13. 2, 17. 1).

[35] *Diogn.* 5. 1–4, trans. J.B. Lightfoot and J.R. Harmer, rev. M.W. Holmes, *The Apostolic Fathers* (Grand Rapids, MI, 1999). The writer is presumably developing the Pauline idea that ἡμῶν τὸ πολίτευμα ἐν οὐρανοῖς ὑπάρχει (Phil. 3: 20); cf. *Diogn.* 5. 9: ἐν οὐρανῷ πολιτεύονται. This phraseology may also have Jewish roots: note Philo *Conf.* 78: ὁ οὐρανῶν χῶρος ἐν ᾧ πολιτεύονται.

[36] For the date, see R.M. Grant, *Greek Apologists of the Second Century* (Philadelphia, 1988), 52–53. There is considerable uncertainty whether the so-called *Second Apology* was a separate work, an integral part of the *First Apology*, or a later addendum to it: ibid. 54–55, with references to earlier discussions. For the sake of convenience I will deal with them together.

[37] *Hist. eccl.* 4. 26. 5–11; for the date, see Grant, *Greek Apologists*, 93–95.

[38] For the date, see T.D. Barnes, *Tertullian* (Oxford, 1971), 33–34. We should note also his *Ad Scapulam*, a much shorter apologetic work addressed to the proconsul of Africa in 212 CE: Barnes, *Tertullian*, 38.

as representatives of the Christian people, defending and promoting their interests just as ambassadors would have done. In what follows, I will consider four points of correspondence between the 'diplomatic' writings of these Christian authors and traditional forms of diplomacy in the Roman world: the status of the ambassador, the demonstration of loyalty, the appeal to the emperor's virtues, and the citation of favourable precedents.

The best choice for an ambassador was someone who had a personal connection with the emperor; if possible, someone to whom the emperor owed a personal debt of gratitude. So for example the world-wide assembly of athletes mentioned above petitioned Antonius through his personal trainer. Similarly, the support that Hyrcanus II, Herod, and Agrippa I had provided to Caesar, Augustus, and Claudius respectively allowed them to serve as particularly effective advocates for the Judaeans. Most groups, of course, would not be able to choose a representative with a personal connection to the emperor, much less a claim to the emperor's gratitude. Consequently, they looked instead to people with distinguished reputations and skill in speaking. Hence we regularly find sophists and philosophers serving as ambassadors. For example, among the ambassadors sent by the Greeks and Judaeans of Alexandria in the course of their dispute were the scholar Apion and the philosopher Chaeremon on the Greek side and the philosopher Philo on the Judaean side.[39] The great sophists of the second century CE were repeatedly employed by their cities as ambassadors, for example Dio of Prusa and Polemo of Smyrna.[40] Similarly, after Smyrna was devastated by an earthquake in 177, the celebrated Aelius Aristides sent a personal appeal to the emperors on behalf of the city without even waiting for a formal embassy to be arranged.[41]

So far as we know, there were no Christians in the second or early third centuries CE with personal connections to the emperor. There were, however, Christian intellectuals who were skilled in formal speak-

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[39] Apion: Jos. *AJ* 18. 257–259; see in general Schürer, *History of the Jewish People*, 3. 604–607. Chaeremon: *CPJ* 2, no. 153, l. 17; his identity with the otherwise attested writer, assumed in *CPJ*, is not certain; see in general Schürer, *History of the Jewish People*, 3. 601–604. Philo: Jos. *AJ* 18. 259–260, Philo *Legat.*; see in general Schürer, *History of the Jewish People*, 3. 813–819.

[40] Dio: *Or.* 40. 13–15, 45. 3. Polemo: *IGR* 4. 1431, ll. 33–41, Philostr. *VS* 1. 25.

[41] *Or.* 19; cf. Philostr. *VS* 2. 9. We should note that the more illustrious of these figures often did have personal connections with the emperor: Chaeremon was said to have been tutor to Nero (Suda A 1128), Dio was a friend of Trajan (Philostr. *VS* 1. 7), Polemo a friend of Trajan, Hadrian, and Pius (Philostr. *VS* 1. 25).

ing and writing. Justin regarded himself as a philosopher and was a well-known Christian teacher in Rome.[42] Although we know much less about Athenagoras, according to tradition he too was a philosopher and perhaps a teacher. If neither of them was anything like a match for Dio and Polemo in eloquence or sophistication, we may nevertheless locate them among the educated elite of the empire. Melito, as bishop of the community in Sardis, held an important position in the nascent Christian hierarchy, and his influence as a Christian leader apparently extended beyond his own community.[43] Lastly, with Tertullian we have a writer and thinker who was among the most brilliant men of his age. Although we cannot determine his exact social status, he came from a respectable background and was himself highly educated. Like Justin and Athenagoras, he was apparently not a member of the clergy, but must nevertheless have been a leading member of the Christian community in Carthage.[44] In their different ways, then, these men all came from the Christian elite, and were in that respect well suited to represent their community.

It was established practice for any city or other formally established group to send regular congratulatory embassies to emperors on important occasions like accessions and victories. These embassies would inform the emperor of the local honours and expressions of goodwill that had been decreed on his behalf and would present gifts such as the traditional gold crowns; they would usually also request that he confirm any previously granted privileges, and perhaps also grant some new ones. The emperor would then write a letter of acknowledgement and thanks, normally granting the requests for privileges.[45] This is precisely what we see, for example, in Septimius Severus' letter to the Assembly

[42] Justin describes himself as wearing the typical garb of a philosopher, and relates how he studied with teachers of the various schools before discovering the true philosophy of Christianity (*Dial.* 1–8; cf. Eus. *Hist. eccl.* 4. 11. 8 and 16. 2). Irenaeus (*Haer.* 1. 28. 1) says that Tatian was a student (ἀκροατής) of Justin; Tatian describes him as θαυμασιώτατος (*Ad Gr.* 18) and speaks of him with admiration (ibid. 19). For another student of Justin, see *Acta Justini* 4. 7 (rec. A and B Musurillo). Irenaeus, writing within two decades of his death, quotes from his work against Marcion (*Haer.* 4. 6. 2; cf. 5. 26. 2), and Tertullian knows of his writing against Valentinus (*Val.* 5).

[43] Eusebius (*Hist. eccl.* 4. 26. 2) knows some twenty works of Melito; Polycrates of Ephesus, writing some twenty-five years after Melito, already regards him as one of his most illustrious predecessors (ap. Eus. *Hist. eccl.* 5. 24. 5).

[44] See Barnes, *Tertullian*, 194–210 on education, 11 and 117 on his position in the Christian community.

[45] See in general Millar, *Emperor*, 410–420 and, on the gold crowns, 140–142.

of Dionysiac Artists noted above: he thanks the assembly for its good wishes on his accession and confirms its established privileges (*P Oxy.* 2476, ll. 7–11). These embassies played a crucial role in defining the appropriate relationship between the emperor and the city or association, establishing the loyalty of the latter and the beneficence of the former; they thereby provided the lubricant, so to speak, that allowed the whole mechanism of imperial government to operate smoothly.

The importance of these regular embassies in establishing and maintaining a positive relationship with the emperor can best be gauged from an occasion when an embassy was not in fact sent. At the accession of Gaius, the Judaeans of Alexandria decreed to him all possible honours; because they were not allowed to send an embassy themselves, they took their decree to the prefect Flaccus who promised to send it on to the emperor. They were later horrified to discover that he had not done so, with the result that, in Philo's words, they "alone of all men under the sun might be considered hostile". Fortunately, Agrippa I came to their aid, by not only sending the decree on to Gaius, but explaining the date at which it was actually passed and testifying to the Alexandrian Judaeans' long-standing loyalty (Philo, *Flacc.* 97–103; quotation from 101).

For the Christians, however, who were not a formally recognized association, regular exchanges of this sort were not an option. But their representatives did what they could to assert their loyalty. Athenagoras elaborates this theme with the most detail, perhaps in keeping with his self-presentation as an ambassador. He claims that Christians are "the most pious and righteous of all men in matters that concern both the divine and your kingdom" (*Leg.* 1. 3) and invites the emperors to examine not only their way of life and teachings, but also their "zeal and obedience to you, your house, and the empire" (3. 2). Moreover, he notes in his conclusion that Christians "pray for your reign that the succession to the kingdom may proceed from father to son, as is most just, and that your reign may grow and increase as all men become subject to you" (37. 2). Justin does much less along these lines, although he is at least careful to explain that when Christians look for a kingdom, it is not a kingdom of this world (*1 Apol.* 11). He also cites the saying of Jesus on giving to Caesar what is due to Caesar (Matt. 22: 15–22, Mark 12: 13–17, Luke 20: 20–26), and points out that, while Christians worship only God, they gladly serve the emperors and acknowledge them as kings and rulers of men, even though he tempers this declaration of loyalty by primly expressing his hope that, along

with their royal power, they will also be found to have good judgement (*1 Apol.* 17. 1–3). Tertullian, in opposing allegations that the Christian rejection of emperor worship was a sign of disloyalty, develops this theme at much greater length. We Christians, he asserts, "are always praying on behalf of all the emperors: a long life for them, a secure rule, a safe home, brave armies, a loyal senate, an upright people, a peaceful world, whatever a man and emperor can pray for" (*Apol.* 30. 4); he points out that even the Christians' scriptures urge them to pray for kings and rulers (31. 3, citing 1 Tim. 2: 2). To a certain extent, however, both Justin and Tertullian are concerned more with countering unjust charges of Christian disloyalty than with establishing the patron/client relationship that most regular diplomacy helped to shape.

It was normal for ambassadors to include extensive praise of the emperor in the speeches that they delivered before him, highlighting his virtues and appealing to his benevolence and magnanimity. Menander Rhetor provides a brief synopsis of what he calls 'the Crown Speech', that is, the speech that an ambassador would pronounce when presenting the emperor with a crown; it presumably represents what he considered appropriate for any regular embassy (422. 5–423. 5). The speech is essentially a variation on a standard speech of praise, covering such formulaic topics as the emperor's background, his education, and his virtues, notably his courage and benevolence. Menander suggests the following as a suitable closing: "therefore the city crowns you, paying its debt of gratitude for the benefits we receive every day, and at the same time begging and pleading with you, made confident by your humanity (φιλανθρωπία) to the whole world that she will not fail in anything she seeks". For 'the Ambassador's Speech', he says, "you should say what has been prescribed for the Crown Speech, but amplify at every point the topic of the emperor's humanity, saying that he is merciful and pities those who plead with him"; the speaker should then elaborate on the misfortunes of the city he represents in order to appeal to pity (423. 6–424. 2, trans. Russell and Wilson 1981: 181).

Although the Christian writers also appeal to the emperor's virtues, it is less to his piety and benevolence than to his justice and wisdom that they direct their arguments. All of them build their case on the principle that it is unjust to allow the punishment of Christians, since Christians do nothing that merits punishment; it is only ignorance and prejudice that leads people to think otherwise. Consequently, they all see their chief task as that of giving a true account of Christian belief and behaviour. In tone and approach, however, they vary considerably.

The rebarbative Tertullian dispenses with flattery entirely and relies instead on aggressive rhetorical tactics. Similarly, Justin, while appealing to his addressees' philosophical interests, takes a distinctly sharp and admonitory tone. It is incumbent on genuine philosophers, he says, to choose what is just; hence, "you who are called pious and philosophers and guardians of justice and lovers of learning, listen attentively; if you are indeed such, it will be made manifest. For it is not to flatter you by these writings that we have come, nor to win your favour, but to request that you pass judgement after a careful and minute investigation" (*1 Apol.* 2. 2–3). In his conclusion, he even threatens them with the judgement of God if they continue in their injustice against the Christians.

Melito, however, apparently took a much more diplomatic approach in his appeal to Marcus Aurelius. After describing the harassment of Christians that has followed on certain 'new decrees', he says that "if this is done at your command, let it be regarded as well done; for a just king would never counsel unjustly, and we gladly bear the honour of such a death.... But if they are not from you, this counsel and this new decree (which would not be fitting even against barbarian enemies), all the more do we entreat you not to overlook us in this public plundering" (Eus. *Hist. eccl.* 4. 26. 6). Likewise, after citing decisions of Hadrian and Antoninus Pius that were more lenient to Christians, he concludes that "since you hold the same opinion as they about these things, and in fact one that is much more humane and philosophical, we are persuaded that you will do all that we beg of you" (4. 26. 11).

But it is Athenagoras, again no doubt in keeping with his professed persona of an ambassador, who does the most along these lines. He adds 'philosophers' to the list of the emperors' formal titles in the address of his work, and refers to them throughout in honorific terms: they are 'great among kings' (*Leg.* 1. 1: μεγάλοι βασιλέων), 'greatest emperors' (2. 6: μέγιστοι αὐτοκράτορες; cf. 18. 2), 'philosopher kings' (11. 3: βασιλεῖς φιλόσοφοι) who 'surpass others in wisdom and piety for the truly divine' (7. 3) and 'exceed all in wisdom' (23. 1; cf. 31. 3). Consequently, if no one can convict the Christians of any actual crime but stops at the name alone, "it is your task as mighty, humane, and learned kings to bring to an end by law the abuse we suffer, that just as all the world has enjoyed your benefactions both as individuals and as cities, we too may have reason to offer our solemn thanks to you that there has been an end to the laying of false accusations against us" (2. 1), an appeal that he reiterates in his closing remarks.

Lastly, it was a normal part of these exchanges for the recipient to record the imperial response in a public inscription. Indeed, it is to this habit that we owe much of our information about diplomacy between the emperor and various groups within the empire. Such inscriptions had both a symbolic and a practical function. On the one hand, they embodied in a public monument the positive relationship that the city or group had established with the emperor. On the other hand, they provided a permanent record of any privileges that were granted, which if the need arose could serve as documentary proof. We may reasonably assume that more extensive records were kept on perishable materials, and that these were consulted and copied as needed. I have already mentioned some specific examples of such archives. Three separate copies survive of the archive preserved by the Assembly of Dionysiac Artists in Egypt, indicating the extent to which the association and its individual members used such records to defend their privileges and promote their interests.[46] Similarly, the documents included by Josephus in his *Jewish Antiquities* presumably derive from archives that local Judaean communities assembled and maintained in order to bolster their appeal for the support of Roman officials against troublesome neighbours, whenever that was needed.[47]

Given that most of the imperial responses about Christians were hardly concerned with granting them privileges, there was not much along these lines that their representatives could do. But they made the most of what little they had. Justin, for example, ends his so-called *First Apology* with the assertion that "although from the letter of the greatest and most illustrious Emperor Hadrian, your father, we could demand that you order judgments to be given as we request", he has nevertheless chosen to present an 'address and explanation' on the grounds that what he is asking is just (*1 Apol.* 68. 3). He nevertheless appends a copy of the letter just for good measure. The letter, written to Minucius Fundanus, the proconsul of Asia in 122/3 CE, is somewhat less sweeping than Justin implies, merely stating that those who accuse Christians must do so formally in court and be able to prove their allegations.[48]

[46] See above, n. 13. It is worth noting that the text of the letter of Claudius in that archive had been passed down for some 250 years.

[47] See Rajak, "Was There a Roman Charter", and Pucci Ben Zeev, *Jewish Rights*, 399–405; for the reconstructed history of one particular archive, see Eilers (forthcoming).

[48] E.J. Bickerman, "Pliny, Trajan, Hadrian and the Christians", in his *Studies in*

Melito's efforts along these lines (ap. Eus. *Hist. eccl.* 4. 26. 7–11) were much more comprehensive. He starts with the point that Christianity began in the reign of Augustus, claiming that "your ancestors nourished it together with the other cults, and the greatest proof that our doctrine flourished for good along with the empire in its noble beginning is the fact that it met with no evil in the reign of Augustus, but on the contrary everything splendid and glorious" (trans. K. Lake). According to Melito, the only emperors opposed to Christianity were in fact Nero and Domitian, the textbook examples of 'bad' emperors, and it was they who were responsible for establishing the precedent of condemning Christians. Marcus Aurelius' ancestors, in contrast, criticized anyone who dared to take new measures (νεωτερίσαι) against Christians, a point Melito supports by citing the letter of Hadrian to Fundanus as well as letters of Antoninus Pius to the Larisians, the Thessalonians, the Athenians, and 'all the Greeks' (presumably the provincial council of Achaea). Although these letters of Antoninus have not survived, Melito's suggestion that they discouraged innovations suggests that they simply reaffirmed the precedent established by Trajan and Hadrian that actions against Christians must take the form of ordinary trials.[49] Whether or not Melito followed Justin in appending actual copies of these letters to his petition is unclear, but their omission by Eusebius, who tended to include the texts of such documents whenever possible, suggests that he did not.[50]

Tertullian developed Melito's approach with greater elaboration. According to him, Tiberius endorsed before the Senate a report concerning the divinity of Christ, and when they rejected it, threatened danger to anyone who accused Christians. It was again Nero and Domitian

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Jewish and Christian History (Leiden, 1986; first published in 1968), 3. 152–171, argues persuasively that the 'provincials' (οἱ ἐπαρχιῶται) mentioned in the rescript are not merely private individuals but the provincial council; the significance of the letter for Christians was thus that Hadrian thereby "set the precedent that even the demands of political bodies against Christians should be dealt with according to the practice of *cognitio*" (p. 171) and not simply through petition.

[49] Cf. Millar, *Emperor*, 560, who deduces that the cities in question had made requests of the emperor that were hostile to Christians and that the emperor's responses were 'unfavourable or neutral'.

[50] Earlier in his work Eusebius did include a copy of Hadrian's letter to Minucius Fundanus, but took it from the Latin version appended to Justin's *1 Apology*, which he translated himself (*Hist. eccl.* 4. 8. 8–9. 3); it is Eusebius' Greek translation that is now found in the manuscripts of Justin. Yet an imperial rescript may have later been attached to Melito's apology: see below, n. 53.

who were responsible for initiating persecutions, whereas all the other emperors refused to follow their precedent. Indeed, Trajan partially abrogated the force of the earlier laws by forbidding Christians to be sought out, and Marcus Aurelius condemned their accusers outright. In support, Tertullian cites Trajan's letter to Pliny and an alleged letter of Marcus Aurelius that credited Christians for the so-called 'Rain Miracle' of the Marcomannic campaign. In Tertullian's case there is no reason to think he included actual copies of these letters.[51]

But that such letters circulated among Christians, and were even produced by them, is clear enough.[52] Hadrian's letter to Minucius Fundanus was available both to Justin in Rome some thirty years after it had been written and to Melito in Sardis some twenty-five years after that; the latter also had access to now-lost letters of Pius written to cities and the provincial council of Achaea. Eusebius does transmit the text of a letter purporting to be from Pius to the council of Asia; although he does not name his source, he may have found it appended to his copy of Melito's apology.[53] At some later date, someone added it to the letter of Hadrian at the end of Justin's apology.[54] The manuscript of Justin concludes with a third imperial letter, this one purporting to be Marcus Aurelius' account of the 'Rain Miracle'; it is unlikely that this was the letter known to Tertullian, although the latter's evidence makes it clear that some such letter was produced not long after the events it claims to describe and circulated fairly widely among Christians.[55]

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[51] *Apol.* 5. 2–8; cf. 21. 24–25 on Tiberius and Nero. He earlier discusses the letters of Pliny and Trajan in more detail, in order to attack the lack of logic in the latter's response (*Apol.* 2. 6–9), and again refers briefly to that of Marcus Aurelius in *Scap.* 4. On the latter, see further below, n. 55.

[52] See further Bickerman, "Pliny, Trajan, Hadrian", 152–154. Somewhat surprisingly, the only extant Christian writer to cite Trajan's letter to Pliny, publicly available in the collection of Pliny's correspondence, is Tertullian (on whom Eusebius depends: *Hist. eccl.* 3. 33).

[53] *Hist. eccl.* 4. 13. 1–7; since he immediately afterwards (4. 13. 8) refers the reader to Melito for further information, the latter may have been his source: see further A.J. Carriker, *The Library of Eusebius of Caesarea* (Leiden, 2003), 272–275. The letter as it stands is certainly a forgery, although it may possibly incorporate some genuine material: J.B. Lightfoot, *The Apostolic Fathers. Part Two: Ignatius and Polycarp*[2] (London, 1889), 481–485; T.D. Barnes, "Legislation against the Christians", *JRS* 58 (1968), 32–50 at 37–38.

[54] It was presumably not in the copy that Eusebius used, since his version of the letter differs in some details; most significantly, the imperial names and titles in Eusebius' version are those of Marcus Aurelius, not Pius, although Eusebius clearly believed it to be written by the latter.

[55] See Lightfoot, *Apostolic Fathers*, 485–492 for text and discussion. Lightfoot argues

All four of these works, then, show some analogies to standard diplomatic forms as regards the status of the ambassador, demonstrations of loyalty, appeals to the emperor's virtues, and the citation of favourable precedents. It must be stressed, however, that in each area what we find are more approximations than direct appropriations of traditional diplomacy. So far as we can tell, these men were not formally selected to act as representatives on behalf of Christians, as normal ambassadors were; instead, they presumably took this role upon themselves.[56] Similarly, the documents that they submitted to the emperors were not the official decrees of formally constituted bodies but instead personal compositions. They were likewise unable to demonstrate the loyalty of the group they represented by referring to previous honorific decrees and embassies: the Christian church was hardly in a position to take actions of this sort. In all these respects, their presentations to the emperor resemble private petitions much more than they do public embassies. Such petitions could originate from groups as well as individuals, and could include requests not unlike those made through formal embassies; they were moreover presented by a representative whose function was analogous to that of an ambassador. The chief difference between the two was one of status: only cities, provincial councils, and formally recognized associations could send embassies; private individuals and communities of lesser status, such as villages, the peasants of imperial estates, and religious groups, sent petitions.[57]

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that Tertullian's language need not imply more than that he guessed such a letter existed, but in that case he is unlikely to have spoken of it in such specific terms. The fact that Eusebius cites the letter only from Tertullian (*Hist. eccl.* 5. 5. 5–7) indicates only that it did not exist in his copy of Justin's *Apology*, not that it did not exist in his day: if it were available in Latin, we would still expect him to refer to Tertullian, as he does with the readily available rescript of Trajan to Pliny (see above, n. 52). Nevertheless, Tertullian's assertion that Marcus 'non palam ab eiusmodi hominibus poenam dimovit' (*Apol.* 5. 6) does not square well with the declaration in the letter itself that αὐτόθεν οὖν ἀρξάμενοι συγχωρήσωμεν τοῖς τοιούτοις εἶναι χριστιανοῖς; the latter phrase in fact seems to be adopted from Galerius' edict of toleration: see R. Freudenberger, "Ein angeblicher Christenbrief Mark Aurels", *Historia* 17 (1968), 251–256 at 251.

[56] See Millar, *Emperor*, 384 on the selection of ambassadors. For the self-selection of the Christian apologists, however, we might compare Aelius Aristides' appeal to Marcus Aurelius after the fire in Smyrna, which he made without waiting for a formal embassy to be arranged (*Or.* 19. 6).

[57] Millar, *Emperor*, 242 and 541–544; cf. Hauken, *Petition and Response*, 18–19 and 301. On the representatives who delivered petitions, see Hauken, *Petition and Response*, 105–106 and 302. Petitions sent by villagers: ibid., nos. 4, 5, and 7; peasants: ibid., nos. 1–3 and 6; religious associations: *SB* 12509 (a group of priests in Egypt), *IGLS* 7. 4028 with Millar, *Emperor*, 454–455 (the κάτοχοι of Zeus at Baetocaece in Syria).

But it is precisely in this respect that the Christian writers considered here differ from those who sent petitions: the party whom they claim to represent is not a village or a group of peasants or even a local religious association, but rather the Christian people. As I have discussed above, Christians employed a range of terms in referring to themselves, all of which implied a distinct corporate identity. We should also note that the tendency to treat Christians as a distinct class of people was not limited to the Christians themselves: Athenagoras and his fellows were also taking advantage of precedents afforded by the emperors themselves. Imperial rescripts like that of Trajan to Pliny or Hadrian to Fundanus might not have given them much to work with in terms of arguing for the right to follow their religion without hindrance, but they did provide an official precedent for treating Christians collectively.[58] If emperors could issue rulings on Christians in general, why should Christian leaders not take it upon themselves to represent Christians in general? As we saw above, after Roman authorities had issued rulings treating them as a group, the Judaeans of Asia began to represent their interests before them collectively. I would suggest that the whole strategy of these Christians writers in appealing to the emperors in this quasi-diplomatic fashion was in part predicated on the fact that the emperors themselves had to some extent already acknowledged the corporate identity of the group whom they represented.

This argument has some bearing on the question of whether or not the texts that I have discussed were actually presented to the emperors.[59] Some scholars, taking their addresses and stated goals at more or less face value, have assumed that this was the case.[60] Others regard it as unbelievable that the adherents of an illegal religion would

[58] Presumably, the only ones at all favourable to Christians were the two preserved rescripts of Trajan and Hadrian, and possibly the lost rescripts of Antoninus Pius mentioned by Melito. Others certainly existed, but apparently contained nothing to the advantage of the Christians; according to Lactantius (*Div. inst.* 5. 11. 19), Ulpian 'de officio proconsulis libro septimo rescripta principum nefaria collegit ut doceret quibus poenis adfici oporteret eos qui se cultores dei confiterentur'. Yet even rescripts like these would have treated Christians as a group.

[59] The related question of the precise genre to which they should be assigned is discussed in detail by W.R. Schoedel, "Apologetic Literature and Ambassadorial Activities", *HTR* 82 (1989), 55–78. For my purposes it is not very significant, since the role of these texts in defining Christian identity before emperors and Roman officials is in any case clear enough.

[60] See for example Barnes, "Embassy", 111; Millar, *Emperor*, 561–566; Schoedel, "Apologetic Literature".

dare to present such works to the emperor or would be allowed to do so if they did; they consequently interpret the formal features of these texts as a kind of literary fiction.[61] The question has been much debated without any consensus being reached. In my view, no definite answer is possible, because in the absence of any concrete evidence one way or the other, the question depends on what one considers plausible. Yet I would argue that those who place great weight on the illegality of Christianity neglect the complex interplay of precedent and appeal that informs these works, especially when we consider them in the context of the normal diplomatic exchanges between the emperor and various groups in the empire. Although we can never be completely sure of the legal basis for the condemnation of Christians, the evidence strongly suggests that it resulted not from a comprehensive edict but from a series of decisions in individual cases, such as the rescripts of Trajan and Hadrian already discussed.[62] Yet there is evidence that groups could appeal against unfavourable decisions in the hopes of obtaining a more favourable response.[63] For example, the Alexandrians sent an embassy to Augustus to request that he reinstate their city council; Augustus' negative response can be inferred from the fact that they made a similar request of Claudius; Claudius apparently also turned them down, since it was not until the reign of Septimius Severus that the Alexandrians received their council.[64] Given that previous imperial responses about Christians had given these men some basis, however slight, on which

[61] See most recently P.L. Buck, "Athenagoras' *Embassy*: A Literary Fiction", *HTR* 89 (1996), 209–226, especially 213: "the Christians … belonged to an illicit and proscribed society and would hardly have been granted imperial hearings in order to plead for their faith".

[62] See especially G.E.M. de Ste. Croix, "Why Were the Early Christians Persecuted?", *Past and Present* 26 (1963), 6–38 and repr. in his *Christian Persecution, Martyrdom, and Orthodoxy* (Oxford, 2006), 105–152; Barnes, "Legislation"; Bickerman, "Pliny, Trajan, Hadrian".

[63] There is fairly ample evidence for individuals appealing to the emperor against the decisions of lower officials (Millar, *Emperor*, 507–516), but groups could do so as well, as for example a city in Spain that appealed to Titus against an unfavourable decision of a proconsul (Millar, *Emperor*, 441). A particularly interesting case, although not precisely parallel, is that of the cities who appealed to Maximin against the policy of toleration for Christians; as Millar points out, these provide "an example of the effectiveness of embassies from cities and *koina* in presenting demands to the emperor for the removal of specifically promulgated imperial policies" (Millar, *Emperor*, 445–447, at 447).

[64] Augustus: *CPJ* 2, no. 150 and Dio 51. 17. 2; Claudius: *CPJ* 2, no. 153, ll. 66–73; Severus: SHA *Sept. Sev.* 17. See the succinct discussion at Schürer, *History of the Jewish People*, 3. 92 n. 10.

to build an appeal, it does not seem to me at all impossible that they should in fact have done so.[65]

Whether the emperors actually read these works and responded to them is another question. At the least, we can be fairly certain that they did not respond in a way that was helpful to the Christians, simply because there is no trace of any such response. Given that Christians apparently preserved any rescripts that could at all be presented in a positive light, this seems to me a fairly cogent argument from silence. More formal and official recognition of Christians as a corporate body did not come until the mid-third century CE, and then largely as a response to the development of more effective governing structures: the increasing elaboration of an ecclesiastical hierarchy, for example, and the practice of regional councils to determine common policy. As a result, the Christian church acquired an increasingly obvious corporate existence that was at least comparable to that of the world-wide assemblies of athletes and theatrical performers. Official recognition came first in a negative form, in the decrees of Valerian singling out Christian clergy for punishment, forbidding Christians to meet or enter their cemeteries, and confiscating property from wealthy Christians. Gallienus' repeal of these directives provided the basis for more positive recognition, since in its wake church leaders sent formal petitions to the emperor, appealing against officials who had failed to enforce its provisions.[66] In this way Christians at last gained official recognition as a corporate body. But the apologists' appropriation of what little recognition there was in their day, and their manipulation of this recognition by adapting the normal tools of diplomacy, helped set the stage for these later developments.

[65] Note that Millar, *Emperor*, 560–561 tentatively suggests on the basis of Eus. *Hist. eccl.* 4. 12 that an appeal to the emperor by the Christians of Asia may have prompted the letter of Antoninus Pius to the provincial council that lies behind the document preserved by Eusebius and in the manuscript of Justin: see above, n. 53.

[66] Eus. *Hist. eccl.* 7. 13, with Millar, *Emperor*, 571–572.

AFTER THE EMBASSY TO ROME: PUBLICATION AND IMPLEMENTATION[1]

Jean-Louis Ferrary

The high point of an embassy to Rome came, of course, with an audience obtained before the senate, hearing the answer of that august assembly, and obtaining an authenticated copy of the decree of the senate. This solemn moment only came after long preparation. On the one hand, there were official formalities to carry out: on their arrival, ambassadors had to present themselves to the magistrates to establish their status, to explain the reason of their arrival, and to request the audience of the senate, which could decide or refuse to grant it to them or also to provide hospitality on behalf of the Roman people. In addition, and above all, there was the whole preparatory step of 'lobbying': it was necessary to approach the patrons of the city and to prepare for the hearing, if possible with their support, while trying to meet and convince a number of influential senators (and sometimes even by buying their support). This preparatory phase could be long, and one finds embassies arriving in Rome several months before February, which was the normal date of their reception by the senate.[2] But the hearing and the obtaining of the *senatus consultum*—even if this decree was favorable to the city—was not the end of the process. It was still necessary to convey the decision to everyone to whom it was relevant or would have to implement it. This was another task that fell, partially at least, to those who had come as ambassadors to Rome, and it is with this last assignment of the ambassadors that I consider in this paper, limiting myself to the republican period.

I begin with a case that is exceptional—insofar as the senate had been approached by an individual and not by a city—but well documented. At an unknown date sometime after Rome had allotted Delos to the Athenians in 167/6, a certain Demetrios of Rheneia (that is, of

[1] C. Eilers agreed to translate this text. I thank him very warmly.

[2] For all this, see my paper on "Les ambassadeurs grecs au Sénat romain", in J.-P. Caillet and M. Sot (eds.), *L'Audience: Rituels et cadres spatiaux dans l'Antiquité et le haut Moyen Age* (Paris 2007), 113–122.

Delos) approached the senate to complain that the Athenian authorities had prevented him from continuing to manage a sanctuary of Sarapis. He obtained a decree of the senate in which the Romans, while avoiding the appearance of giving orders to the authorities of Athens, a free and allied city, let it be known that they were sympathetic to the request of Demetrios, and that the Athenians were requested to do nothing that was contrary to this decision ("just as formerly he used to administer it, as far as we are concerned he is to be permitted to administer it, so that nothing contrary to the decree of the senate is to be done").[3] Demetrios then appeared before the Athenian council with this decree of the senate, and the council, after having deliberated, decided to conform to the opinion of the senate. In the inscription that has reached us, the text of the senatorial decree is preceded by a letter of the *strategoi* to the *epimeletes* of Delos, communicating the decision of the Council to him. This letter mentions the *senatus consultum* and says nothing about a letter that the Roman authorities would have addressed to the Athenian authorities ("there was lengthy discussion in the Boule concerning the decree which was brought from Rome by Demetrius the Rhenaian concerning events at the Sarapieion").[4] The absence of such a letter is consistent with the clear but careful formulation of the decree of the senate and the concern not to be too open about giving commands to the Athenians. We might infer from this that this was also the reason why the notification and the execution of the *s.c.* were left to the care of Demetrios. In fact, there is a much more general phenomenon at issue.

Senatorial decrees in favour of individuals who are not kings are not numerous. The decree enacted in 78 in connection with the privileges granted to the navarchs Asclepiades of Clazomene, Polystratos of Carystos, and Meniskos of Miletus is undoubtedly one of the best known. This bronze tablet, which was found in Rome, contained only the Latin text of the senatorial decree and its Greek translation. It requires that

> The consuls Q. Lutatius and Marcus Aemilius, one of them or both, if it seems good to them, are to send letters to our magistrates, who are

[3] *RDGE* 5, l. 32–36: καθὼς τὸ πρότερον ἐθεράπευεν, ἕνεκεν ἡμῶν θεραπεύειν ἔξεστιν τοῦ μή τι ὑπεναντίον τῶι τῆς συγκλήτου δόγματι γίνηται (translation by R.K. Sherk, *Rome and the Greek East to the Death of Augustus*, Cambridge, 1984).

[4] *RDGE* 5, l. 2–7: γενομένων πλειόνων λόγων ἐν τεῖ βουλεῖ περὶ τοῦ δόγματος οὗ ἤνεγκεν ἐκ Ῥώμης Δημήτριος Ῥηναιεὺς ὑπὲρ τῶν κατὰ τὸν Σαραπιεῖον.

> in charge of the provinces of Asia and Macedonia, and to their (city) magistrates, that the senate wishes and considers it just that these things be done in this fashion.[5]

The decree does not stipulate how the consular letters should be delivered, but I am personally convinced of several things: first, that they were handed over at the same time as a copy of the decree of the senate to each of the navarchs; second, that these men were entrusted to transmit these documents to interested parties, especially in their cities; and, third, that the letters were used so that these men might enjoy a privileged situation there.

The dossier of Seleukos of Rhosos has many similarities to the decision for navarchs in 78, though it is not found in Rome but in Seleukos' home-city. In it, the official act defining the privileges of Seleukos is preceded by a letter of Octavian to the magistrates, council, and people of Rhosos, with the instruction to file it in the city's archives and to send copies of it to three other cities:

> The document written below has been excerpted from a stele (located) on the Capitol at Rome, [and this I ask you] to file in your public records; send a copy [of it] also [to] the council and people of Tarsus, the council and people of Antioch, the council and people of [? Seleukeia], so that they may file it.[6]

This letter must have been entrusted to Seleukos at the same time as the authenticated copy of the text that conferred privileges on him, along with the instruction that he was to take care that they be recorded in Cilicia and Syria.

Turning now to ambassadors of cities, I begin with the amphictionic decree of 185 in favour of Nicostratos of Larisa. This Thessalian is honoured above all for the embassy that he made to Rome in company of Menedemos of Athens on behalf of the reconstituted Amphictiony.

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[5] *RDGE* 22, l. 28–30 (but using the new edition and translation of A. Raggi, "Senatus consultum de Asclepiade Clazomenio sociisque" *ZPE* 135, 2001, 73–116): ὅπως τε Κόιντος Λυτάτιος Μᾶρκος Αἰμίλιος ὕπατοι, ὁ ἕτερος ἢ ἀμφότεροι, ἐὰν αὐτοῖς φαίνηται, γράμματα πρὸς τοὺς ἄρχοντας τοὺς ἡμετέρους οἵτινες Ἀσίαν Μακεδονίαν ἐπαρχείας διακατέχουσιν καὶ πρὸς τοὺς ἄρχοντας αὐτῶν ἀποστείλωσιν, τὴν σύνκλητον θέλειν καὶ δίκαιον ἡγεῖσθαι ταῦτα οὕτω γίνεσθαι.

[6] *RDGE* 58 (using the new edition and translation of A. Raggi, *Seleuco di Rhosos: Cittadinanza e privilegi nell' Oriente greco in età tardo-repubblicana* [Studi Ellenistici, 18; Pisa 2006], p. 24, l. 5–8): [τ]ὰ ὑπογεγραμμένα ἐξελήφθη ἐκ στήλης ἐκ τοῦ ἐν Ῥώμηι Καπετωλίου, [ἅπερ ἀξιῶ] καταχωρίσαι εἰς τὰ παῤ ὑμεῖν δημόσια γράμματα. Πέμψατε δὲ καὶ ἀντίγραφον [αὐτῶν εἰς] Ταρσέων τὴν βουλὴν καὶ τὸν δῆμον, Ἀντιοχέων τὴν βουλὴν καὶ τὸν δῆμον, [Σελευκέω]ν τὴν βουλὴν καὶ τὸν δῆμον, ὅπως καταχωρίσωσιν.

But the decree also emphasises his speech before the people of Delphi, in which he informed them of the results of his embassy and firmly asked them to respect its terms:

> he appeared before the *koinon* of the Delphians and revealed to them the results of the mission that he had performed as an ambassador to the Roman senate, the consuls, and the tribunes, and he invited the Delphians to preserve their devotion towards all Greeks and to do nothing that would be against the preceding resolutions of the Greeks.[7]

There is no question on this occasion of a letter of the Roman authorities being delivered to the Delphians, and clearly the amphictionic ambassadors had not asked for such a letter.[8] In 189, an earlier embassy to the senate, sent this time by Delphi, had obtained a decree that has been preserved for us with two covering letters of the praetor Sp. Postumius, one addressed to the city of Delphi and the other to the Amphictions.[9] The letter to the Amphictions can only have been given to the Delphian ambassadors and then communicated to the Amphictions the next time they convened in Delphi.

A partially preserved decree of Alabanda honours an eminent citizen and draws up a list of the embassies that he undertook and successfully completed. The honorand died during his last embassy to a king, a mission that seems to have immediately followed his second embassy to Rome, and with which it may well have been connected.[10] Christian Marek, following H. Willrich, has demonstrated that this text dates very probably to the years that followed the first Mithridatic war and makes the attractive suggestion that the citizen of Alabanda had gone to Mithridates to demand the return of compatriots who had been detained as prisoners of war.[11] Concerning his first embassy to Rome,

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[7] *CID* IV, 106, l. 23–31: προσελθὼν πρὸς τὸ κοινὸν τῶν Δελφῶν διελέγη περὶ ὧν ἔχων τὰς ἐντολὰς ἐπεπρέσβευκεν πρός τε τὴν σύνκλητον τῶν Ῥωμαίων καὶ τοὺς στρατηγοὺς καὶ δημάρχους καὶ παρεκάλεσεν Δελφοὺς διατηρεῖν τὴν εὔνοιαν πρὸς ἅπαντας τοὺς Ἕλληνας καὶ μηθὲν αὐτοὺς ὑπεναντίον πράττειν τοῖς πρότερον ὑπὸ τῶν Ἑλλήνων ἐψηφισμένοις, διατελεῖν δὲ καὶ ἐν τοῖς λοιποῖς ἐν οἷς ἂν παρακαλῶσιν Ἀμφικτίονες.

[8] The fragment of the letter *Syll.*[3] 613B is too mutilated to be able to report with certainty the results of the embassy of Nikostratos, as Pomtow has tried to do.

[9] *RDGE* 1.

[10] *BCH* 10 (1886), 299 n° 1, l. 25–34: [ἔτι] τε τοῦ δήμου [π]ρο[ε]λομένου πέμψαι πρεσβευτ[ὰς πρὸς] Ῥωμαίους πε[ρὶ τ]ῶν φόρων, ἀπαράκλητον ἑαυτ[ὸν παρε]σκεύασεν, παραθείς τε τῆι Ῥωμαίων συγκλή[τωι τὰ ὑ]πάρχοντα τῆι πόλει δίκαια καὶ ἀναστραφε[ὶς ἐν τού]τοις ἐνδό[ξ]ω[ς] καὶ προκαρτερήσας φιλο[τίμως ἔλα]βεν δόγμα περὶ τῆς ἀφορολογησίας συμφέρ[ον ὂν τῆι πό]λει, καὶ ἐπισταλεὶς πρὸ[ς] τὸ[ν] βασιλέα περὶ τῶν [- - -], τῶν δὲ με[γ]ίστ[ω]ν ἀγαθῶν αἴτιος γενόμεν[ος ἀ]πεξέλιπε τὸν βίο[ν] ἐ[ν τ]ῆι πρεσβείαι.

[11] Chr. Marek, "Karien im ersten Mithridatischen Krieg", in P. Kneissl and V. Lose-

which had earned him the honour of a bronze statue, it can be assumed that this citizen of Alabanda had brought back a s.c. comparable with the one that the neighbouring city of Stratonicea had obtained in 81, where the proconsul of Asia is entrusted, among other things, with the task of seeing to it that Mithridates restored citizens who had become prisoners.[12] The text of Alabanda shows that some Carian cities, which had been faithful in Rome in 88, had difficulty gaining the complete implementation of the decisions made by the senate in their favour. The city saw even its immunity threatened, and it was compelled to send a second embassy to the senate to see to it that it be fully guaranteed. It seems very likely to me that they also mentioned, for the second time, the problem of Alabandian prisoners of Mithridates, and that the city, having lost confidence in the assistance of the proconsul of Asia, preferred to give a letter of the consuls to support its request from the king. The embassy to Mithridates was therefore a kind of supplement to the second embassy in Rome, and was quite naturally therefore entrusted to the same citizen, and it is perhaps also the reason why a new honour was not decreed to him as soon as he returned bringing the s.c. confirming the immunity of the city.

Clearly in the case of Nicostratos of Larisa, then, and probably in the case of the citizen of Alabanda, we see how a diplomatic mission did not necessarily end with the ambassador's return from Rome, and that it again fell to the recipients of senatorial decree to inform other interested parties of its terms, and to see that it was carried out. It is fairly obvious that this last outcome was not always self-evident, whatever the authority of the decree of the senate. Evidence for this can be found in a particularly interesting episode of the long quarrel pitting

mann (eds.), *Alte Geschichte und Wissenschaftsgeschichte. Festschrift für Karl Christ zum 65. Geburtstag* (Darmstadt, 1988), 285–308, at 294–302. The first editors (Ch. Diehl and G. Cousin, *BCH* 10, 1886, 299–306) and M. Holleaux (*REG* 11, 1898, 258–266) had proposed a date a little after the Roman victory over Antiochus III, but Holleaux then adopted the hypothesis of H. Willrich (*Hermes* 34, 1899, 305–311), of a date a little after 85: *REG* 12 (1899), 359–360, note. Although the first date was taken up again by H. Schmitt (*Rom und Rhodos*, 87 n. 1) and R. Bernhardt (*Imperium und eleutheria*, diss. Hamburg, 1971, 67–68), and although F. Canali de Rossi has recently proposed a new date of around 164, the king being in this case Eumenes II ("Morte di un ambasciatore di Alabanda", *Scienze dell'Antichità*, 6–7, 1992–1993 [1996], 35–40, and *Le Ambascerie dal mondo greco a Roma in età repubblicana*, Rome, 1997, 239–240), I believe that the dating of Willrich has been firmly confirmed by the analysis of Marek.

[12] *RGDE* 18, l. 114–119 (ἀνθύπατος ὅστις ἂν ἀεὶ Ἀσίαν ἐπ[αρχείαν] διακατέχηι ἐπιγνώτω … ἵνα τε τοὺς αἰχμαλώτους ἀνακομίσασθαι δύνωνται; cf. l. 63–64).

Lacedaemonians who were exiled and eager to return to their homeland against the Achaean Confederation. In 181, these Lacedaemonians obtained a decision in their favour and appeared before a *synodos* of the Confederation "bearing a letter from the senate to the Achaeans, asking them to take measures for their safe return to their country". But the Achaeans were awaiting the return of their own ambassadors, and when the latter had assured them that the letter had been written not because the Romans really wanted the return of the exiles, but only to please them, they decided that they were not obliged to obey.[13] Thanks to Polybius, we have a partial, but very well informed, account of this episode, which is especially interesting. It should be noted, first of all, that the same Polybius had written a little before in his account of how the senate received the representatives of the exiled Lacedaemonians: "the senate … promised the exiles to write to the Achaeans begging for their return to their country".[14] Polybius does not state here that the promised letter was supposed to be entrusted to Lacedaemonians themselves, and we see that it would be wrong to deduce from formulas like γράφειν πρός or γράμματα ἀποστεῖλαι πρός either in an account or a decree of the senate that the mentioned letters would be directly conveyed by the Roman authorities to their recipients. We also see very clearly how difficult it could be for Rome to make sure its rulings were implemented in cases where they lacked a military force on the spot either to impose them or to make a simple threat, which would have been enough to guarantee respect for them. The senate could, of course, send a legate or a commission of legates to make its intentions formally known. But this was no greater guarantee of success, since the presence of legates did not imply a concrete threat of recourse to force. Besides, legates had already been sent to the Achaean Confederation, in 184 and 183, without real success in face of the 'legalistic resistance' of Philopoemen and Lycortas: it was, for the hegemonic power, a humiliation and it could not risk that it be too frequently repeated.

[13] Polyb. 24. 2. 1–5: κατὰ τὴν Πελοπόννησον παραγενομένων ἐκ Ῥώμης τῶν ἐκ τῆς Λακεδαίμονος φυγάδων καὶ κομιζόντων παρὰ τῆς συνκλήτου γράμματα τοῖς Ἀχαιοῖς ὑπὲρ τοῦ προνοηθῆναι περὶ τῆς αὐτῶν καθόδου καὶ σωτηρίας εἰς τὴν οἰκείαν, ἔδοξε τοῖς Ἀχαίοις ὑπερθέσθαι τὸ διαβούλιον ἕως ἂν οἱ παρ' αὐτῶν ἔλθωσι πρεσβευταί. … Τῶν δὲ περὶ τὸν Βίττον παραγενομένων ἐκ τῆς Ῥώμης καὶ διασαφούντων γραφῆναι τὰ γράμματα περὶ τῶν φυγάδων οὐ διὰ τὴν τῆς συγκλήτου σπουδήν, ἀλλὰ διὰ τὴν τῶν φυγάδων φιλοτιμίαν, ἔδοξε τοῖς Ἀχαίοις μένειν ἐπὶ τῶν ὑποκειμένων (translation by W.R. Paton).

[14] Polyb. 24. 1. 5: τοῖς δὲ φυγάσιν ἐπηγγείλατο γράφειν πρὸς τοὺς Ἀχαίους περὶ τοῦ κατελθεῖν αὐτοὺς εἰς τὴν οἰκείαν (translation by W.R. Paton).

In 182, the Confederation had achieved a success while managing to repress the secession of Messene and Sparta: an Achaean embassy had been sent to ask for Roman help in its conflict with Messene, or at least their strict neutrality; the senate gave this embassy a harsh reception, but had had the wisdom to keep it in Rome until new information was received; it was then forced to pretend to be pleased with the reinstatement of Messene.[15] The awkwardness created in 182 explains the cordiality with which new Achaean ambassadors were received in 181. But that did not at all imply the abandonment of 'ancient Lacedaemonian exiles', who had attracted the interest of eminent senators to their cause and whose presence in 184 in the entourage of the Roman legate Ap. Claudius Pulcher had made the Achaeans indignant without alerting them to the threat that it implied in the more or less short term.[16] The Achaean disobedience of 181 was a serious act—one without genuine precedent in the stormy relationship between Rome and the federation.[17] The following year,

> (the senate) actually went so far on the present occasion, as to write not only to the Achaeans on the subject of the return of the exiles, begging them to contribute to strengthening the position of these men, but to the Aetolians, Epirots, Athenians, Boeotians and Acarnanians.[18]

In 180 the senate, in order to work for the return of the exiled Lacedaemonians (and Messenians), again used a process which it had already used in 186: the Boeotians had also refused to obey an initial letter of the senate that instructed them to allow the return of Zeuxippos and his partisans: the Romans, while "informing the Aetolians and the Achaean League by letter what was the policy of the Boeotians, bade them restore Zeuxippos to his home".[19] We must note, however, that the Roman plan had failed: the Aetolians had not been in a position to act, and Philopoemen had diverted the threat of Achaean interven-

[15] Polyb. 23. 9 and 17.

[16] Livy 39. 36. 1–2. See J.-L. Ferrary, *Philhellénisme et impérialisme*, 300–305.

[17] In 186, indeed, an Achaean embassy had arrived at the appropriate time, before a Spartan embassy set out again carrying a letter of the Romans to the Achaeans: Polyb. 22. 3. 2–4; cf. F. Walbank, *A Historical Commentary on Polybius*, III (Oxford, 1979), 177–178.

[18] Polyb. 24. 10. 6: περὶ μὲν τῆς καθόδου τῶν φυγάδων οὐ μόνον τοῖς Ἀχαίοις ἔγραψε παρακαλοῦσα συνεπισχύειν, ἀλλὰ καὶ τοῖς Αἰτωλοῖς καὶ τοῖς Ἠπειρώταις, σὺν δὲ τούτοις Ἀθηναίοις, Βοιωτοῖς, Ἀκαρνᾶσιν (on the punctuation, see Ferrary, *Philhellénisme et impérialisme*, 302 n. 120); Paus. 7. 9. 6.

[19] Polyb. 22. 4. 8–9: οἱ Ῥωμαῖοι τὴν τῶν Βοιωτῶν προαίρεσιν ἔγραψαν πρός τε τοὺς Αἰτωλοὺς καὶ πρὸς Ἀχαιοὺς κελεύοντες κατάγειν Ζεύξιππον εἰς τὴν οἰκείαν (translation by W.R. Paton).

tion away from the purpose pursued by the Romans in order to obtain, instead of the return of Zeuxippos, the resolution of a legal dispute between Achaeans and Boeotians. But in 180 the senate had received new embassies, not only from the Lacedaemonian refugees, but also from the Achaeans. The *strategos* Hyperbatos had not, it seems to me, received a new Roman letter,[20] but rather had taken the initiative to renew the debate on the letter of the previous year;[21] and one of the Achaean ambassadors, Callicrates, had revealed that he was willing to enforce the will of the Romans if they showed sufficient determination. It was finally through their open praise of Callicrates, and by helping him be elected *strategos* of the Confederation, that the Romans got their own way. There is no doubt that under these conditions, in order to impress his compatriots (to frighten them and deceive them according the interpretation of Polybius), Callicrates returned to Achaea bearing copies of the letters that the senate was sending to other peoples. But it would have fallen, I think, to the Lacedaemonian refugees to deliver these letters if Callicrates had not succeeded in Achaea; and in 186, in the same way, the letters intended for the Achaeans and for the Aetolians would have been entrusted to Zeuxippos: such messages could not be transmitted by simple courier, and there was no question of sending a legate of the senate. The task of contacting the authorities of the Confederations, therefore, had to fall to Zeuxippos, as did the task of asking them for their assistance on the basis of the letters of the Roman authorities that he was carrying. By leaving the responsibility for overseeing the implementation of a senatorial decree to those who received it, the senate was clearly taking a risk that its will would not be respected (as occurred, as we saw, in 186 and 181), but it at least avoided the humiliation of experiencing a direct rebuff (which was the case when one of its legates failed to see to it that its will was carried out).

With the creation of provinces in the eastern part of the empire (Macedonia in 146, then Asia in 129), we find, it seems to me, an evolution rather than a radical change. The new governors have responsibility to make sure, in a general way, that the decisions of the senate are respected in the geographical area that is under their supervision; they can also (in the first instance or, by contrast, after an issue had

[20] So Walbank, *Historical Commentary on Polybius*, III, 18–19 and 260–261.

[21] So A. Aymard, "Les stratèges de la confédération achéenne de 202 à 176 av. J.-C." *REA* 30 (1928), 59–61 = *Études d'histoire ancienne* (Paris, 1967), 43–44.

been referred to them by the senate) make decisions or begin a process of arbitration in matters that would previously have been referred directly to the senate. But the recipients of Roman decisions continue to be responsible for at least a part of their diffusion and their execution. In 118, when Sisenna, the governor of Macedonia, summoned the *technitai* of the Isthmus to appear before him so that he might arbitrate their disagreement with the Athenian *technitai*, it was through the latter that he forwarded to them his summons:

> the Athenian technitai having introduced a charge against the association before the governor of Macedonia Cornelius Sisenna, and a letter of the governor having been given by them to the association, ordering to us to send representatives within … days.[22]

In 112, when the consul Cn. Calpurnius Piso entrusted for the second time to the city of Magnesia of the Meander the role of making a ruling in the territorial conflict opposing the Cretan cities of Itanos and Hierapytna, it was through representatives of these two cities that Magnesia received a copy of the consul's letter, which was all the more appropriate since Magnesia, a free city, was not part of the province of Asia.[23]

A letter of the governor of Macedonia L. Cornelius Dolabella to the Thasians, datable to 80, appears to me to be more significant. He had knowledge of a decree of the senate in favour of Thasos through Thasian ambassadors (most probably the same ones who had returned from Rome), and not by an official courier from Rome:

> Mikas son of Mikas, Sa[–] son of Eurymedes by adoption but of Lyetes by nature, envoys of yours, fine and good men, friends from a fine and good People, friends and allies of ours, met me in Thessalonike and informed me that the senate of the Roman People passed a decree in favour of your city on account of your respect for our republic.[24]

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[22] *RDGE* 15, l. 32–34: [τῶν τεχνιτῶν ἐν τῇ Ἀττικῇ ὄντων π]οιησαμέν[ων κατη]γορίαν κατὰ τῆς συνόδου ἐπὶ τοῦ στρατηγοῦ ἐμ Μακε[δονίᾳ Κορνηλίου Σισέννα, καὶ γραμμά]των ἀποδο[θέντ]ων τῇ συνόδῳ ὑπ' αὐτῶν παρὰ τοῦ στρατηγοῦ ὅπως [πρ]εσβευτὰς ἀπο[στ]είλωμεν ἐν [ἡ]μέραις…

[23] *Syll.*[3] 685, l. 10–11 and 18–21: κατὰ τὸ γεγο]νὸς ὑπὸ τῆς συνκλήτου δόγμα καὶ κατὰ τὴν ἀποσταλεῖσα[ν ἐπιστολὴν ὑπὸ Λ]ε[υκίου Καλπορνίου Λευ]κίου υἱοῦ Πείσωνος στρατηγοῦ ὑπάτου … δούσης κριτὴν αὐτ[οῖς τὸν ἡμέτερ]ον δῆ[μον, διατάξαντος δ]ὲ περὶ τούτων καὶ τοῦ στρατηγοῦ Λευκίου Καλπορνίου Λευκίου υἱοῦ Πείσωνος, [καθ]ότι τὰ ἀποδοθέντα ἡμῖν ὑπ' ἑκατέρων γράμματα περιέχει.

[24] *RDGE* 21, l. 2–5: Μικᾶς Μικᾶ υἱός, Σα[- - καθ' υἱοθεσία]ν Εὐρυμενίδου, φύσει δὲ Λυήτου, πρεσβευταὶ ὑμέτεροι, ἄνδρες κα[λοὶ καὶ ἀγαθοὶ καὶ φίλοι παρὰ δήμου κα]λοῦ καὶ ἀγαθοῦ καὶ φίλου συμμάχου τε ἡμετέρου, ἐν Θεσσαλο[νίκηι ἐντυχόντες μοι - - -]ον

In the rest of the letter, which is very fragmentary, we see that Dolabella makes a certain number of decisions that will allow the application of the senatorial decisions; he adds that he sent a certain number of letters, specifically to communities placed by the senate under the suzerainty of Thasos and perhaps also to Thracian dynasts who must evacuate certain territories. He also seems to recognize the possibility that there will be disputes that will require that embassies be sent to him. In this case, then, the execution of the senatorial decree is undertaken by the governor of Macedonia. I would not exclude on the other hand that the Thasians, just as they transmitted the text of the senatorial decree to him, were charged by him with notifying interested parties of the measures that he decided to take to implement it. The text is unfortunately too mutilated to say more.[25]

Turning to other documents, there is a very small number in which we see Roman authorities entrusting the ambassadors of Greek cities with the delivery of letters that do not seem directly connected with the purpose of their embassy. One such text is particularly puzzling: the Roman magistrate who sends this letter to the city of Miletus adds that he wrote

> to the *koinon* of the Greeks, to you, to Ephesus, Tralles, Alabanda, Mylasa, Smyrna, Pergamum, Sardis, Adramyttium [*that is, the capitals of conuentus*], in order that (each of) you to the cities in your own judiciary district might dispatch (copies of this letter) and see to it that in the most conspicuous place on a pilaster on white stone there is engraved this letter, so that in common for all the province justice might be established for all time, and that all the other cities and peoples might do the same thing among themselves, and that they might deposit (a copy of this letter) in the archives of the Nomophylakia and the Chrematisteria.[26]

τὴν σύγκλητον τοῦ δήμου τοῦ Ῥωμαίων ὑπὲρ τῆς ὑμετέρ[ας πόλεως δόγμα περὶ τῆς εἰς τὰ δημόσι]α πράγματα καταλογῆς ὑμῶν ἐσχηκέναι (translation by R.K. Sherk).

[25] The documents known from Book 14 of the *Jewish Antiquities* of Josephus provide a certain amount of information that should be interpreted in this way. Thus, So(si)patros, an ambassador of Hyrcanus, who delivers to the city of Laodicea the letter that he had received from the proconsul C. Rabirius concerning the privileges given to the Jews in conformity with a senate decree (14. 241–243; cf. the decree of Pergamum 14. 247–255: the two documents are dated c. 105 by C. Eilers in his forthcoming work).

[26] *RDGE* 52, l. 42–54: δι' ἃς [αἰτίας] πρός τε τὸ κοινὸν τῶν Ἑλλήνων γέγραφα, [πρὸς ὑ]μᾶς, Ἐφεσίους, Τραλλιανούς, Ἀλαβανδεῖς, Μυλασεῖς, Σμυρναίους, Περγαμενούς, Σαρδιανούς, Ἀδρυμητηνούς, ἵνα τε ὑμεῖς πρὸς τὰς ἐν τῆι διοικήσει τῆι ἰδίαι πόλεις διαποστείλησθε ἔν τε τῶι ἐπιφανεστάτωι τόπωι ἐν στυλοπαραστάδι ἐπὶ λίθου λευκοῦ ἐνχαραχθῆναι φροντίσητε ταῦτα τὰ γράμματα, ἵνα κοινῶς πάσηι τῆι ἐπαρχείαι τὸ δίκαιον ἑστάμενον ἦι εἰς τὸν αἰεὶ χρόνον, αἵ τε ἄλλαι πᾶσαι πόλεις καὶ δῆμοι τὸ αὐτὸν παρ' αὐτοῖς ποιήσωσιν εἴς τε τὰ δημόσια ἀποθῶνται νομοφυλάκια καὶ χρηματιστήρια (translation by R.K. Sherk).

At the end of the copy intended for Miletus and discovered in that city (as well as in another copy even more fragmentary and found in Priene), one also finds the following instruction: "I have given the letter to Timokles son of Anaxagoras and to Sosikrates son of Pythion, envoys from Magnesia on the Meander."[27] The document is unfortunately very mutilated, with the result that the name of the author of the letter is no longer preserved; moreover, we no longer know the identity of the people whose impudence (and the cities' toleration of it) so astonished him.[28] G.W. Bowersock had suggested an attractive hypothesis,[29] according to which this episode involved the future Augustus in the years that followed Actium, but the way in which the dioceses are listed decisively confirms the traditional dating in the fifties, when the dioceses of Phrygia were attached to the province of Cilicia and when Mylasa still had the status of being capital of a diocese, which it seems to have lost after the Parthian invasion of 40/39.[30] The purpose of the letter remains puzzling. R. Merkelbach suggested that Minucius Thermus, the governor of Asia, denounced the scandalous attitude of his quaestor L. Antonius here.[31] This hypothesis seems to me to be untenable: Thermus had disapproved of the conduct of Antonius enough that he considered, at the time of leaving Asia, assigning the government of the province to a legate rather than to him;[32] but that does not allow us to suppose an action on his part as contrary to the *mos maiorum* as the dispatch by a governor to all the cities of his province of a letter denouncing the conduct of his quaestor. F. Canali de Rossi has recently proposed a new interpretation: the letter would have been sent by Pompeius during (or immediately afterwards) his third consulate of 52, and it would denounce the intrigues of Aeschines of Miletus, who had come to Rome in the name of his city, probably at the time of a trial *de repetundis*.[33] Certain aspects of this hypothesis are attractive, but

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[27] *RDGE* 52, l. 57–60: τὴν δὲ ἐπιστολὴν ἔδωκα Τιμοκλῆι Ἀναξαγόρου καὶ Σωσικράτηι Πυθίωνος πρεσβευταῖς Μαγνήτων τῶν πρὸς τῶι Μαιάνδρωι (translation by R.K. Sherk).

[28] *RDGE* 52, l. 41–42: ὅθεν πῶς ὑμεῖς τήν τινων περὶ [ταῦτα ἀ]ναίδειαν ἀνέσχησθε, τεθαύμακα.

[29] G.W. Bowersock, *AJPh* 91 (1970), 226–227.

[30] Chr. Habicht, "New Evidence on the Province of Asia", *JRS* 65 (1975), 71; P. Herrmann, *Inschriften von Milet*, I (Berlin, 1997), 155.

[31] R. Merkelbach, "L. Antonius, *gladiator Asiaticus*, und der Brief des Q. Minucius Thermus an die Diözesen von Asia", *EA* 25 (1996), 73–76.

[32] Cic. *Fam.* 2. 18.

[33] F. Canali de Rossi, "Tre espistole di magistrati romani a città d'Asia", *EA* 32

I fear that the inscription remains so fragmentary that a less adventurous interpretation is preferable. In any case, the role of messenger was entrusted to two Magnesian ambassadors, and we know from an inscription of Ephesus published in 1975 by Chr. Habicht that Magnesia on the Maeander was part of the diocese of Miletus. It is therefore not so strange that a Roman magistrate would give to Magnesian ambassadors a letter that Miletus was instructed to distribute to all the cities of its diocese. Besides, the reference to this mission in a sentence at the very end of this letter gives the impression that it may be an addition in one of the copies (and if we find this at the end of the copy of Priene, it is because Priene was also clearly part of the diocese of Miletus, and that the letter that it had received was thus a copy of the one that had been transmitted to Miletus).[34] Nothing in any case enables us to suppose that a complaint of Magnesia was the original reason that all these letters were sent to the *koinon* and to the capitals of dioceses.[35]

Another text is fortunately less puzzling, and, it seems to me, more interesting for our purpose. In the law on the praetorian provinces of the year 100, the consul who was elected first—that is, Marius—is instructed to undertake an extensive letter-writing campaign. To the cities, he must especially communicate the decision of the Roman people to entrust to a praetor the responsibility to fight against piracy. The kings of Cyprus, of Alexandria, of Cyrene, and of Syria, however, are not only informed of this policy: they are very firmly invited to make sure that the pirates do not receive any help of their kingdoms:

(2000), 164–172. Cf. Strabo 14. 1. 7 (C 635): ἄνδρες δ' ἄξιοι μνήμης ἐγένοντο ἐν τῇ Μιλήτῳ … καθ' ἡμᾶς δὲ Αἰσχίνης ὁ ῥήτωρ, ὃς ἐν φυγῇ διετέλεσε, παρρησιασάμενος πέρα τοῦ μετρίου πρὸς Πομπήιον Μάγνον.

[34] This is the interpretation of C. Habicht, "New Evidence on the Province of Asia", 77 (and essentially that of L. Robert, *Hellenica* VII (Paris, 1949), 228).

[35] F. Canali De Rossi points out Polyb. 27. 7 to me: during the winter of 172/1, the praetor C. Lucretius, after Cephallenia, entrusted ἀλείπτῃ τινι Σωκράτει a letter asking the Rhodians to send him a fleet. Some in Rhodes tried to argue that the letter did not come from the Romans, but from the king of Pergamum, καὶ μαρτύριον ἐποίουν τῆς ἑαυτῶν ἀποφάσεως τὸ παραγεγονέναι φέροντα τὴν ἐπιστολὴν τοιοῦτον ἄνθρωπον, οὐκ εἰωθότων τοῦτο ποιεῖν Ῥωμαίων, ἀλλὰ καὶ λίαν μετὰ πολλῆς σπουδῆς καὶ προστασίας διαπεμπομένων ὑπὲρ τῶν τοιούτων (§9). The anecdote is interesting, and the messenger chosen by Lucretius illustrates the arrogance expressed in these years by Roman magistrates towards their allies. The object of our study, however, is more limited and relates only to missions of information and execution that were entrusted to ambassadors in connection with the purpose of their own embassy.

> The senior consul is to send letters to the peoples and states to whom he may think fit, to say that the Roman people ⟨will have⟩ care, that the citizens of Rome and the allies and the Latins, and those of the foreign nations who are in relationship of friendship with the Roman people, may sail in safety, and that on account of this matter and according to this statute they have made Cilicia a praetorian province. And likewise to the king holding sway in Cyprus and to the king ruling at Alexandria and in Egypt and to the king ruling at Cyrene and to the kings ruling in Syria, who have a relationship of friendship and alliance with the Roman people, he is to send letters to the effect that it is right for them both to see that no pirate use as a base of operations their kingdom or land or territories and that no officials or garrison commanders whom they shall appoint harbour the pirates and to see that, in so far as it shall be possible, the Roman people have (them as) contributors to the safety of all.[36]

The law then adds that the letters to the kings are to be given to the Rhodian ambassadors, not, obviously, for simple information, but so that they can take responsibility to transmit them to their recipients. This mission explains why the law makes sure that the security of the ambassadors is guaranteed:

> and these letters being sent to the kings according to this statute he is to give to the Rhodian ambassadors [? and he is to see ?] that whoever has a charge in these matters see to their safety according to the (relevant) statutes and the law.[37]

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[36] *Roman Statutes*, no. 12, Cnidos III, 28–41, Delphi B, 5–12: ὕπατος ὁ πρῶτος γενόμενος γράμματα πρὸς τοὺς δήμους πολιτείας τε πρὸς οὓς ἂν αὐτῶι φαίνηται ἀποστελλέτω, τὸν δῆμον τὸν Ῥωμαίων ἐν ἐπιμηλείαι ⟨- - -⟩, ὥστε τοὺς πολίτας Ῥωμαίων καὶ τοὺς συμμάχους Λατίνους τε τῶν τε ἐκτὸς ἐθνῶν, οἵτινες ἐν τῆι φιλίαι τοῦ δήμου Ῥωμαίων εἰσίν, μετ' ἀσφαλείας πλοίζεσθαι δύνωνται, τήν τε Κιλικίαν διὰ τοῦτο τὸ πρᾶγμα κατὰ τοῦτον τὸν νόμον ἐπαρχείαν στρατηγικὴν πεποιηκέναι, ὁμοίως τε πρὸς τὸν βασιλέα ἐν Κύπρωι διακατέχοντα καὶ βασιλέα τὸν ἐν Ἀλεξανδρείαι καὶ Αἰγύπτωι βασιλεύοντα καὶ πρὸς βασιλέα τὸν ἐπὶ Κυρήνηι βασιλεύοντα καὶ πρὸς τοὺς βασιλεῖς τοὺς ἐν Συρίαι βασιλεύον[τας, πρὸς οὓς] φιλία καὶ συμμαχία ἐ[στὶ τῶι δήμωι τῶι Ῥωμαίων, γράμματα ἀποστελλέ]τω καὶ ὅτι δικαιόν ἐστ[ιν αὐ]τοὺς φροντίσαι μὴ ἐκ τῆς βασιλείας αὐτ[ῶν μήτε] τῆς χώρας ἢ ὁρίων πειρατὴ[ς μηδεὶς ὁρμήσῃ μήδε οἱ ἄρχοντες ἢ φρούραρχοι οὓς κ]αταστήσουσιν τοὺς πειρατὰς ὑποδέχωνται, καὶ φροντίσαι, ὅσον [ἐν δυνα]τοῖς ἐσ[ταὶ] τοῦτο, ὁ δῆμος ὁ Ῥωμαίω[ν ἵν' εἰς τὴν ἁπάντων σωτηρίαν συνεργοὺς ἔχῃ] (translation by M.H. Crawford). See now my article, "Retour sur la loi des inscriptions de Delphes et de Cnide (Roman Statutes no. 12)", in M.L. Caldelli and G. Gregori, eds., *Epigrafi, epigrafia e epigrafisti (Roma 18–21 ottobre 2006)* (Rome 2008), 2–5.

[37] Delphi B, 12–13: ταῦτα τε τὰ] γράμματα πρὸς τοὺ[ς] βασιλεῖς κατὰ τὸν νόμον τοῦτον ἀποστελ[λόμ]ενα τοῖς ἀ[πὸ] Ῥοδίων πρεσβευταῖς [δότω - - -]ọụ[.. ὅπω]ς ὁ περὶ τούτων ἔχων τὴν ἐπιμελείαν φροντίσηι τὴς ἀσφαλεία[ς αὐτῶν τοῖς νόμοις καὶ δι]καίοις [ἀκολούθως] (translation by M.H. Crawford).

This also justifies the privilege which is granted a little further on to Rhodians, that their ambassadors from now on are received by the senate firstly, *extra ordinem*

> the consul whose business it shall be, or whoever else shall convene the senate, that he grant to the embassies access to the senate, to the ambassadors from the Rhodian people who may be in Rome he is to grant access to the senate *extra ordinem*. And he is to bring in these ambassadors into the senate *extra ordinem* and he is to see that a decree of the senate be passed when he has brought them in according to this statute, whether it is a statute or a plebiscite; and it is to be lawful for him to do this without personal liability.[38]

This is the oldest attestation that we know of this privilege, which we find again in 81 in the *senatus consultum* in favour of Stratonicea and in 39 in the decree of the senate in favour of Aphrodisias.[39] The importance of the mission entrusted to the Rhodians and the privilege that is granted to them by the law raises the question whether they did not play an important part in the Roman decision to place a magistrate in charge of the fight against piracy again. In 102 M. Antonius had taken on this task, and he gained successes that had won him a triumph. The law makes provision for the taking of an oath by the governors of Macedonia and Asia, but not of Cilicia. From this fact we can deduce, I believe, that no successor had been appointed for M. Antonius. The law reintroduced (under the name of Cilicia) the war against the pirates among the praetorian provinces, and supplemented this decision with an important campaign of communication to cities and especially kings. The starting point for such a decision must have been a report stressing that piracy continued to constitute a danger in spite of the campaign of M. Antonius, and no one was better placed than a Rhodian embassy to alert the Roman authorities on this point. The vote of a law was an exceptional procedure, the explanation of which must be sought, it seems to me, in the antagonistic relationship between Marius, consul for the sixth time, and the senatorial majority until the time when Marius finally collaborated with the senate to eliminate Saturninus and

[38] Delphi B 16–20: ὕπατος, ὧι ἂν γένηται ὃς ἄν τ' ἐ[πιστα]τῇ, ὅπως οὗτος ταῖς πρεσβε[ίαις σύγκλητον διδῶι, τοῖς πρεσβευταῖς τοῖς ἀπὸ τοῦ δή]μου τοῦ Ῥοδίων, οἵτινες ἂν ἐν Ῥώμηι ὦσιν, σύγκλητον ἐκτὸ[ς τῆς] συντάξεως δότω, τούτους [τε τοὺς πρεσβευτὰς - - ἐκτ]ὸς τῆς συν[τ]άξεως εἰς τὴν σύγκλητον εἰσαγέτω [τ]ῆς τε συγ[κλήτου] δόγμα φροντισάτω ἵνα γένητ[αι, ἐπειδὰν αὐτοὺς κατὰ τοῦτον τὸν νόμον, εἴτε νό]μος ἐστὶν εἴτε δήμου γνώμη ἐστίν, εἰσαγειοχὼς ᾖ τοῦ[τ]ό τε ἀζ[ημίῳ αὐτῷ] ἐξέστω ποιῆσαι (translation by M.H. Crawford).

[39] Respectively, *RDGE* 18, 65–66 and *Aphrodisias and Rome*, 8, 81 cf. 9, 13–14.

Glaucia, who had initially been his allies. The resumption of the fight against the pirates was not the only object of the law, but it was one of its most remarkable features, and from this point of view, the law replaced a senatorial decree, which would have been the usual answer to the Rhodian embassy. From this perspective, the mission entrusted to the Rhodians fell within the tradition that entrusted to allied people the responsibility to make known Roman decisions that had been taken at their request. And this solution left to Marius all the prestige from an operation that he ought to inform allied kings and cities of.

In the decree of Colophon in the honor of Menippos discovered at Claros, we read that:

> having been recommended to the most important Romans on account of his excellence in all things, and going himself on embassies on their behalf and being thought worthy of their trust, he became famous in many Greek cities. He made these men genuine patroni of the city and became extremely useful for the people before the authorities, into whose presence are brought the most compelling needs of everyone.[40]

J. and L. Robert commented on this interesting passage in these terms:

> Menippos was charged by the Romans with being their ambassador to many Greek cities; one sees, in these years of the establishment of the Roman administration, a flexibility in the relations, the possibility of agreement and compromise. A citizen of a free city will negotiate outstanding issues between the rulers and the Greek cities. There is something here that hardly appears in the texts.[41]

I do not doubt that Menippos had the occasion to speak 'on behalf of the Romans' and not only 'in their favour' (for example during the war of Aristonicos). It is surely this evidence that the masters of the world had confidence in him that made him 'famous in many cities'. But what are we to understand exactly by 'to go on embassies on their behalf'? I would not go as far as J. and L. Robert, and I do not think that Menippos was entrusted to negotiate outstanding issues between the Romans and the cities. I believe, rather, that he carried senatorial decrees and messages of the senate on the return journey of his five embassies to Rome, and he was at least once entrusted not

[40] J. and L. Robert, *Claros I*, Paris, 1989, Ménippos III, 4–8: τοιγαροῦν διὰ τὴν ἐμ πᾶσιν ἀρετὴν τοῖς μεγίστοις Ῥωμαίων συσταθεὶς αὐτός τε πρεσβεύων ὑπὲρ αὐτῶν καὶ πίστεως ἀξιούμενος ἐπίσημος γέγονε παρὰ πολλαῖς τῶν Ἑλληνίδων πόλεων, τῆς τε πόλεως γνησίους αὐτοὺς πεποιηκὼς πάτρωνας χρησιμώτατος παρὰ τοῖς ἡγουμένοις γέγονε τῷ δήμωι παρ' οἷς ἀναγκαιόταται πᾶσιν εἰσὶν ἀνθρώποις χρεῖαι.

[41] *Ibid.*, p. 101.

only with informing Colophon of it and notifying those whose claims were repudiated (Metropolis, for example, and the very governor of Asia), but also to make known in the other free cities the principles that the senate applied in their favour. Such a mission could not be entrusted to the governor of Asia, whose humiliation it would have dangerously worsened. The sending of a legate by the senate would have had the same effect. The simplest solution was undoubtedly to charge Menippos with giving a full diffusion to the decision taken by the senate in response to its embassy.

In the case of Menippos, and in that of the Rhodian ambassadors, if my interpretations are correct, the practice of entrusting to the ambassadors of cities the task of communicating the decisions of the senate to interested parties in order to ensure their execution would have led to the idea to entrust them with another mission, too: that of ensuring a wide publicity for Roman decisions made in accordance with requests presented by these same ambassadors, to transmit messages on their behalf, in short, to 'go on embassy on their behalf', to use once more the formulation of the author of the decree of Colophon. Without becoming a normal practice, this kind of step was perhaps less unusual than the evidence—which, it must again be emphasized, is extremely deficient—would lead us to believe.

DIPLOMACY IN ITALY IN THE SECOND CENTURY BC

Martin Jehne

When thinking of diplomacy in the period from the Second Punic War to the Social War the relationship between Rome and her Italian allies is not the first topic which comes to mind. Far more prominent are negotiations with transmarine kingdoms, federal states and Greek *poleis*. In the second century scores of Roman ambassadors departed for the Greek East, and scores of ambassadors set out from the Greek states to Rome in order to bring their requests before the senate.[1] One can all too easily forget that in Italy itself the contact between Rome and her allies was a diplomatic event. These contacts are not well documented, but the small number of examples suffices to establish the fact. The Italian *socii*, who regularly supplied Rome with contingents of cavalry and infantry and who now marched alongside the Roman legions all over the Mediterranean world, could only communicate with the Roman state by sending an embassy to Rome, just as the states which they conquered in common with the Romans had to do. The practice of sending ambassadors from Rome to allied communities seems to have fallen into desuetude. Mommsen supposed that representatives of the allied community were ordered to Rome when necessary,[2] but the state of the sources does not allow us to decide whether or not this was the only available procedure.[3] For the most part communication by letter was probably deemed sufficient.

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[1] Cf. for the Greek embassies to Rome now F. Canali De Rossi, *Le ambascerie dal mondo greco a Roma in età repubblicana* (Studi pubblicati dall'Istituto Italiano per la Storia Antica, 63; Rome, 1997). For Roman ambassadors see the compilation of E. Krug, *Die Senatsboten der römischen Republik* (Diss. Breslau, 1916). Cf. now also F. Canali De Rossi, *Le relazioni diplomatiche di Roma, i: Dall'età regia alla conquista del primato in Italia (753–265 a.C.)* (Rome, 2004).—For the translation I would like to thank Frank Ryan, who made a great job in transforming long German phrases into a readable English text.

[2] T. Mommsen, *Römisches Staatsrecht* (3 vols. in 5, 3rd edition, Leipzig, 1887/8), iii 2. 1196–1197.

[3] That Polyb. 6. 13. 6, as Mommsen, *Staatsrecht*, iii 2. 1196 n. 2 emphasizes, only considers Roman embassies to powers across the sea, does not necessarily mean that ambassadors were no longer sent to Italian states. Rather, it reflects the extent to which Roman diplomacy in the East overshadowed all other diplomatic activity.

In his report on the events of 173 BC Livy informs us about such a letter from Rome and its consequences. Before the higher magistrates left for their provinces in this year the senate decreed that L. Postumius Albinus, one of the new consuls, should proceed to Campania and oversee the demarcation of the *ager publicus* from the *ager privatus* there. The consul had a grudge against the denizens of Praeneste, since he believed that he had been treated shabbily both by the public officials and by private individuals when he had visited the city in a private capacity in order to make a sacrifice in the temple of Fortuna there. Before leaving Rome he sent a letter instructing the magistrates of Praeneste, a city which numbered among the *socii nominis Latini*, to meet him before the city and provide him with quarters and beasts of burden for the continuation of his journey.[4] Apparently the Praenestines fulfilled these requests without complaint.

Livy remarks that this was the first incident of this type. In order that the Roman magistrates not prove burdensome to the allies, they were provided in Rome with mules, tents and all necessary military equipment. Roman office-holders had private ties of hospitality and stayed with their guest-friends in other cities just as their guest-friends stayed with them in Rome. Whenever ambassadors needed to get somewhere quickly, they instructed every city through which they would pass to provide them with a beast of burden. That was the most the allies had to do for Roman officials. Even if the consul in question had a right to be upset, it was inappropriate for him to give vent to his feelings while in office. The restraint or frightened silence of the Praenestines, as in an accepted *exemplum*, could be construed as establishing a magisterial right to issue ever more oppressive demands.[5]

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[4] Livy 42. 1. 6–7: "Priusquam in ⟨provincias⟩ magistratus proficiscerentur, senatui placuit L. Postumium consulem ad agrum publicum a privato terminandum in Campaniam ire, cuius ingentem modum possidere privatos paulatim proferendo fines constabat. (7) Hic iratus Praenestinis, quod, cum eo privatus sacrificii in templo Fortunae faciundi causa profectus esset, nihil in se honorifice neque publice neque privatim factum a Praenestinis esset, priusquam ab Roma proficisceretur, litteras Praeneste misit, ut sibi magistratus obviam exirent, locum publice pararent, ubi deverteretur, iumentaque, cum exiret inde, praesto essent."

[5] Livy 42. 1. 8–12: "Ante hunc consulem nemo umquam sociis in ulla re oneri aut sumptui fuit. (9) Ideo magistratus mulis tabernaculisque et omni alio instrumento militari ornabantur, ne quid tale imperarent sociis. (10) Privata hospitia habebant; ea benigne comiterque colebant, domusque eorum Romae hospitibus patebant, apud quos

The Romans had already in 173 determined how the official travel of their office-holders and ambassadors was to be conducted, if we may believe Livy. We know from later periods that the services which communities in the empire had to perform became clearly defined in laws as a result of abuse of office. The same laws penalized offenders.[6] We know that such regulations were contained in a shadowy *lex Porcia*[7] and later in Caesar's *lex repetundarum* of 59 BC, which set strict standards[8] but probably did not go much beyond that which Livy described as the norm in 173. Even if the matter was not regulated in law as early as the first quarter of the second century, the existence of certain guidelines at that time is not incredible. The problem was a real one and the Roman senate would not have wanted to alienate the allies through excessive requisitioning. Postumius probably deviated from the usual practice, which might have been regulated by a senate decree, to the detriment of the allies. The Praenestines would not have been thrilled.

Modern scholars have frequently classified Roman encroachment as an important factor which led to a worsening of the political climate and ultimately to the outbreak of the Social War in 91 BC. The episode in which the consul Postumius avenges himself has always played a large role in this argument.[9] This view has however been subjected

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ipsis deverti mos esset. (11) Legati, qui repente aliquo mitterentur, singula iumenta per oppida, iter qua faciundum erat, imperabant; aliam impensam socii in magistratus Romanos non faciebant. (12) Ira consulis, etiamsi iusta, non tamen in magistratu exercenda, et silentium nimis aut modestum aut timidum Praenestinorum ius, velut probato exemplo, magistratibus fecit graviorum in dies talis generis imperiorum."

[6] Cf. W. Kunkel and R. Wittmann, *Staatsordnung und Staatspraxis der römischen Republik, ii: Die Magistratur* (Handbuch der Altertumswissenschaft, X.3.2.2; Munich, 1995), 351–353; A. Kolb, *Transport und Nachrichtentransfer im Römischen Reich* (Klio Beihefte, 2; Berlin, 2000), 28–39.

[7] Named only in the *lex de provinciis praetoriis* (101 or 100 BC, cf. *Roman Statutes*, no. 12, Knidos col. III, ll. 4–5) and the *lex Antonia de Termessibus* (ca. 68 BC, cf. *Roman Statutes*, no. 19, col. II, l. 16). Cf. for the date (ca. 121 BC) J.-L. Ferrary, "Chapitres tralatices et références à des lois antérieures dans les lois romaines", in *Mélanges à la mémoire de A. Magdelain* (Paris, 1998), 157.

[8] Cf. on this aspect of the *lex Iulia* now, in addition to the works cited above in n. 6, J. Linderski, "*Transitus*: Official Travel Under the Sign of *Obelus*", *Philologus* 143 (1999), 288–299.

[9] Cf. A.J. Toynbee, *Hannibal's Legacy. The Hannibalic War's Effects on Roman Life, ii: Rome and Her Neighbours after Hannibal's Exit* (London, 1965), 114; A. Keaveney, *Rome and the Unification of Italy* (Totowa, New Jersey, 1987), 31–32. J. Göhler, *Rom und Italien. Die römische Bundesgenossenpolitik von den Anfängen bis zum Bundesgenossenkrieg* (Breslauer historische Forschungen, 13; Breslau, 1939), 57–58 finds Postumius' behavior unusual

to criticism. Hartmut Galsterer has cast doubt upon the whole notion of an increasing alienation of the allies from the Romans. In his view the relationship underwent little change in the course of the second century until the Gracchi seized upon the issue of the allies to make hay on the domestic political scene.[10] Henrik Mouritsen has termed the widespread assumption of a thoroughgoing process of Romanization in the second century a historical myth. It is based on the notion of an almost natural development toward national unity, which was popular in the 19th century and supported by the authority of Mommsen in his description of the relations between Rome and Italy.[11] There was also a tendency to project the final result of the better attested Augustan period back into the more poorly documented second century.[12] This tendency was pronounced in the works of Appian, who, writing in the second century AD, gave structure to his work by letting domestic politics in the post-Gracchan era revolve around the question of the allies. Modern scholars were all too ready to accept Appian's version of events.[13] Above all the archaeological investigations of the last decades have shown that the various Italian cultures were to a large extent untouched by Roman culture, that even the contact was limited, and that the two sides showed little interest in each other.[14] For Mouritsen the threat of land distributions since the Gracchan period was a wake-up call to the Italians, who were or feared that they would be the losers in the process.[15] Mouritsen drew a distinction between the Latins

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and surprising, but he is somewhat sympathetic with him because the Praenestians by ignoring the presence of a Roman consul had acted rudely. But his argument does not stand scrutiny. Livy censured Postumius for taking revenge while in office (42. 1. 12, above n. 5) which implies to me that he was wronged—at least from his own point of view—while not being in office. Moreover, Livy tells us that Postumius visited Praeneste as a *privatus* (42. 1. 7, above n. 4), which cannot be taken to mean that Postumius made a private journey while a magistrate, but reveals that he was not a magistrate at all.

[10] H. Galsterer, *Herrschaft und Verwaltung im republikanischen Italien. Die Beziehungen Roms zu den italischen Gemeinden vom Latinerfrieden 338 v.Chr. bis zum Bundesgenossenkrieg 91 v.Chr.* (Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte, 68; Munich, 1976), 165–171; 175–176. See also A.N. Sherwin-White, *The Roman Citizenship* (Oxford, ²1973), 106–108.

[11] Cf. H. Mouritsen, *Italian Unification. A Study in Ancient and Modern Historiography* (BICS Supplement, 70; London, 1998), 23–37; 59–60 on Mommsen's perspective in his *Römische Geschichte*.

[12] Mouritsen, *Italian Unification*, 47; 109.

[13] Cf. Mouritsen, *Italian Unification*, 11–22 on Appian.

[14] Mouritsen, *Italian Unification*, 59–86.

[15] Mouritsen, *Italian Unification*, 142–150.

and the other *socii*. In contrast to the other Italians the Latins actually did want Roman citizenship, to participate in ruling and to have a share in its advantages. They considered themselves to have a claim to rule because of their contributions and the similarity of their culture.[16] Even if it must remain unclear whether there was a real conflict already in the early second century or at the earliest in the late second century, it is at any rate clear that the Social War, which threatened the very existence of Rome, was preceded by a steady accumulation of differences.

This rather long introduction aims at locating the place of diplomacy in the whole process: if there are conflicts of interest and feelings of alienation between states and their representatives it is the function of diplomacy to avoid violent clashes and to improve relations, in the ancient world as in contemporary politics. When at the end of the process a terrible war breaks out, but there is no reason to assume that war was inevitable because the antagonisms were too great or because one side preferred war to peace anyway, our conclusion must be that there was a failure of diplomacy. In my view the development of Romano-Italian relations did not necessarily have to end in war. So the question to be posed is: what went wrong with diplomacy?

'Diplomacy' and even more the adjective 'diplomatic' are ambiguous terms in everyday language. Of course everyone thinks of representatives of states communicating to reconcile their opposing interests, but one may also conceive of diplomacy as a way of communicating smoothly to avoid eruptions of anger or violence, and in this sense diplomacy can be useful in every social relation. That these meanings are not identical is best seen in the fact that a diplomat while acting officially in the service of his country can be highly undiplomatic, intentionally or not. So there is, it seems to me, no use in denying with Adcock and Mosley the existence of Assyrian diplomacy because the Assyrians were bad guys who treated other people rather roughly.[17] What Popillius Laenas did in 168 BC in forcing Antiochos IV to accept immediately the Roman order to leave Egypt was technically an act of official communication between representantives of states and therefore diplomacy, but no one would maintain that Laenas' behaviour was diplomatic.

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[16] Mouritsen, *Italian Unification*, 116–120; 150.

[17] F. Adcock and D. Mosley, *Diplomacy in Ancient Greece* (Aspects of Greek and Roman Life; London, 1975), 9.

Now diplomacy as communication between states is a more or less artificially separated section of communication between groups. In Germany with its federal organization there are permanent representatives of the federal units, the so-called 'Bundesländer', in the capital Berlin, with a professional staff responsible for furthering the interests of the 'Bundesland' with the central government. These are not foreign relations, and the representatives of Saxony for instance have no obligation to help a Saxonian who loses his wallet, passport and all his money in Berlin as a foreign embassy would do for their citizens. But they communicate in the interest of their 'Bundesland', which is pretty much what business consultants do. We call this lobbying, but we are only able to distinguish lobbying from diplomacy by defining the communicating subjects of diplomatic activities as states or—now increasingly important—inter-state or even supra-state organizations. According to this definition modern diplomats are also lobbying when they try to further the interests of their states by communicating with non-state representatives like business executives.

The dossier of diplomatic exchanges between Rome and its Italian allies in the second century is not very extensive. Marianne Bonnefond-Coudry lists among her examples of foreign embassies in the senate for the period between 202 and 91 BC eight from Italy.[18] She limited herself however to cases in which the presence of a foreign embassy in the senate is explicitly mentioned. Among her cases are three in which Latin colonies requested the senate for reinforcements in the shape of new settlers;[19] twice ambassadors of the *socii Latini nominis* demand the repatriation of their citizens who had settled in Rome or in Roman territory;[20] once a foreign community and a Roman colony call upon the senate to decide a boundary dispute;[21] and finally a lucky epigraphic find informs us that the Tiburtines had sent an embassy to apologize for something about which we know nothing or to clear themselves from some suspicion and that the senate had mercifully

[18] Bonnefond-Coudry, *Le sénat de la République romaine*, 296–303. J. Linderski, "Ambassadors Go to Rome", in Ed. Frézouls and A. Jacquemin (eds.), *Les relations internationales* (Actes du Colloque de Strasbourg, 15–17 juin 1993; Paris, 1995), 454 n. 5, criticizes her lists as 'unfortunately incomplete and not always reliable'.

[19] 199 (Livy 32. 2. 6), 197 (Livy 33. 24. 8–9), 190 (Livy 37. 46. 9–11).

[20] 187 (Livy 39. 3. 4–5), 177 (Livy 41. 8. 6–12).

[21] 168 (Livy 45. 13. 10–11).

accepted.[22] It is not explicitly mentioned if the Campanians who asked for the *ius conubii* in 188 and got an affirmative answer pleaded in the senate, but this is probable enough.[23] Two of these eight cases concern the area in northern Italy which later belonged to the province of Gallia Cisalpina.[24] Nearly all of these embassies are known to us through Livy, in whose work for the period between 200 and 167 BC the delegations from the Greek East naturally play a larger role.[25] This fact is not readily interpreted. Perhaps either Livy or his sources concentrated on what seemed to them more important. The Italian embassies could have come in greater numbers and been concerned with unspectacular matters. They were then left unmentioned because they seemed unimportant by comparison with the embassies which dealt with the great wars of the period. It is also possible that the number of embassies was not very great, either while the number of problems was not very great—that is, problems which concerned the relationship with Rome and which the senate had to resolve—or while the allies did not expect the involvement of the Romans to alleviate the problems.

However that may be, it is in any case clear that the greater part of the embassies of which we do hear concerned that which interested the Romans the most: the timely and complete supply of troops on the part of the allies. This problem is relevant to the demands for new settlers, since the Latin colonies could not fulfil their duties in this regard if the number of their citizens fell too low. The same is true of the recall of the citizens who had taken refuge in Roman territory, possibly with the Roman citizenship: depopulation endangered the military capacities of the Latin communities. It is interesting that the Latin *socii* on the occasion of their missions to Rome both in 187 and in

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[22] *ILS* 19, probably to be dated to 159 BC. Cf. F. Wulff Alonso, *Romanos e Itálicos en la Baja República. Estudios sobre sus relaciones entre la Segunda Guerra Púnica y la Guerra Social (201–91 a.C.)* (Collection Latomus, 214; Bruxelles, 1991), 180–182.

[23] Livy 38. 36. 5–6. Presumably the request of the Cumaeans in 180 to be allowed to use Latin in their internal affairs (Livy 40. 42. 13) took the form of an official embassy as well (not in the list of Bonnefond-Coudry).

[24] In 190 Placentia and Cremona attempted to acquire further settlers (n. 19 above), the dispute of 168 concerned Pisa and Luna (cf. n. 21 above). The province of Gallia Cisalpina was probably founded only after the Social War or by Sulla, cf. U. Laffi, "La provincia della Gallia Cisalpina", *Athenaeum* 80 (1992), 12–14.

[25] Bonnefond-Coudry, *Sénat*, 297–302 lists about 80 cases of embassies from the East in this period (not easy to count because of joint embassies of different communities).

177 coordinated their embassies with another.[26] This way of proceeding attests the acuteness of the problem and a capacity for organization among the Italians. In the second passage Livy tells us what motivated them: the ambassadors maintained that there had to be an end to the flight to Roman land, or else the abandoned states and territories in a couple of *lustra* would no longer be able to supply troops.[27] It is not surprising that these dismal prospects forced the senate to act. In 187 it returned the recently arrived Latins to their place of origin[28] and in 177 it agreed to put an end to abuses while securing the passage of a new law.[29]

The Latins played a prominent role in these embassies, since supplementary settlement was only possible in the case of colonies and therefore concerned Romans and Latins exclusively. The freedom to change one's place of residence was probably limited only in the case of Latin colonies.[30] That the problems of emigration and its negative effects on the ability to supply recruits were universal can be seen in Livy's short description of the debates of the year 177.[31] Along with the ambassadors of the Latins those of the Samnites and of the Paelignians make an appearance. They complain that 4000 families had left them and settled in the Latin colony Fregellae, but that the number of troops which had to be supplied had neither been lowered in their cases nor

[26] Livy 39. 3. 4: "Legatis deinde sociorum Latini nominis, qui toto undique ex Latio frequentes convenerant, senatus datus est." 41. 8. 6: "Moverunt senatum et legationes socium nominis Latini, …".

[27] Livy 41. 8. 7: "Summa querellarum erat, cives suos Romae censos plerosque Romam commigrasse; quod si permittatur, perpaucis lustris futurum, ut deserta oppida, deserti agri nullum militem dare possint."

[28] Livy 39. 3. 5–6: "… Q. Terentio Culleoni praetori negotium datum est, ut eos conquireret et, quem C. Claudio, M. Livio censoribus postve eos censores ipsum parentemve eius apud se censum esse probassent socii, ut redire eo cogeret, ubi censi essent. Hac conquisitione duodecim milia Latinorum domos redierunt, iam tum multitudine alienigenarum urbem onerante."

[29] Livy 41. 8. 9–12; cf. 41. 9. 9–12 for the *lex* and the accompanying consular edict.

[30] Cf. the convincing interpretation of W. Broadhead, "Rome's Migration Policy and the So-Called *ius migrandi*", *CCG* 12 (2001), 69–89, esp. 86–89, to the effect that the prescription that no one should leave his hometown permanently without leaving behind a son is not the qualification of a special privilege (the so-called *ius migrandi*), but a general restriction for Latin colonies to prevent depopulation.

[31] Cf. for some reflections on migration in this period W. Broadhead, "The Local Élites of Italy and the Crisis of Migration in the IInd Century B.C.", in M. Cébeillac-Gervasoni and L. Lamoine (eds.), *Les élites et leurs facettes. Les élites locales dans le monde hellénistique et romain* (CÉFR, 309; Rome and Clermont-Ferrand, 2003), 131–148.

raised in that of Fregellae.[32] We do not know whether the senate took action in response to these complaints.[33]

Although the sources on diplomatic exchanges between the Latins or other allies and the Romans can only be described as sparse, there are indications that the concern shown for problems of recruitment in the cases known to us does not distort, but rather reflects reality. In the treaties with the allies the only point which required regular contact between the parties was the obligation of the allies to support Roman wars with troops. Year after year in accordance with the *formula togatorum* the senate requested troops from individual allies in the number considered necessary at the time.[34] If the allies could not or would not fulfil this requirement, Roman rule would be in peril. The Romans reacted accordingly. When in 209 BC twelve Latin colonies announced that the burdens of the previous years made it impossible for them to

[32] Livy 41. 8. 8: "Fregellas quoque milia quattuor familiarum transisse ab se Samnites Paelignique querebantur neque eo aut minus ⟨se⟩ aut ⟨plus⟩ illos in dilectu militum dare". F. Coarelli, "I Sanniti a Fregellae", in *La romanisation du Samnium aux IIe et Ier siècles av. J.-C.*, Actes du colloque organisé par le Centre Jean Bérard en collaboration avec la Soprintendenza archeologica e per i BAAAS del Molise et la Soprintendenza archeologica per le Province di Salerno, Avellino e Benevento, Naples, Centre Jean Bérard, 4–5 Novembre 1988 (Naples, 1991), 177–185 is optimistic to have found the new settlers of Fregellae archaeologically. Against the theory of U. Laffi, "Sull'esegesi di alcuni passi di Livio relativi ai rapporti tra Roma e gli alleati latini e italici nel primo quarto del II sec. a.C.", in A. Calbi and G. Susini (eds.), *Pro poplo arimenese* (Faenza, 1995), 48–49 (see also Keaveney, *Rome*, 52–53), that Latins and Italian allies worked together at this time, Broadhead, "Rome's Migration Policy", 73–74, emphasizes that Livy's text contains no hint that the embassies of the Latins and of the Samnites and Paelignians came at the same time because of the same problem. The story at Cic. Brut. 170 about a Latin rhetor named L. Papirius Fregellanus who spoke in the senate *pro Fregellanis colonisque Latinis* in the time of Ti. Gracchus *pater* is now usually connected with this event, but the interpretation of E. Badian, "L. Papirius Fregellanus", *CR* 69 (1955), 22–23, that Fregellanus acted for the Latin emigrants and for Fregellae and aimed to conserve the status quo and prevent expulsions, is not proven. Cicero's notice can also be understood as referring to Fregellani and other Latin colonists (as E. Malcovati, "L. Papirius Fregellanus", *Athenaeum* 43 [1955], 137–140 confirms), so Fregellanus might have spoken only on behalf of the Latin colonies and their interest in the repatriation of Latins while the problem of the Samnites and Paelignians was not touched upon at all.

[33] But cf. the tempting argument of Broadhead, "Rome's Migration Policy", 89, that Livy's silence about the reaction of the senate to the complaints of the Samnites and Paelignians is to be taken to mean that the senate did nothing. Cf. also Malcovati, "Fregellanus", 140.

[34] Cf. for the obligations of the allies and the procedure of recruitment, V. Ilari, *Gli Italici nelle strutture militari romane* (Pubblicazioni dell'Istituto di Diritto Romano e dei Diritti dell'Oriente Mediterraneo dell'Università di Roma, 49; Milan, 1974).

send the requested number of troops into the field,[35] the war situation prevented the Romans from taking immediate action. Then in 204 a senate decree punished the colonies in question by doubling the number of troops to be supplied. In addition they were required to carry out the census in the future in Roman fashion and to follow the instructions issued to them by the Roman censors. The local officials had to bring the list immediately to Rome. They were placed in the archives after the delegation swore that the census was complete and correct. When the Latin colonies sent embassies to negotiate, the ambassadors were kept in custody in Rome, without being given access to the senate, until the troop requirements had actually been met.[36] The incident makes clear that the Italians in the matter of troop numbers had to proceed very carefully in order not to be classed as rebels. The Romans here as elsewhere reveal a tendency to remain firm and brook no compromises, as we shall see later. It is therefore understandable that the *socii* developed a tendency to send embassies to Rome sooner rather than later when new developments over which they had little control threatened their military potential. They requested help in taking countermeasures. It is also understandable that the Romans paid attention, were ready to listen and to do what they could to help.

For potential conflicts of an internal nature the Romans had no responsibility. In the early Republic, internal struggles in an allied city sometimes escalated to such a point that one of the parties called upon Rome for help.[37] In the middle and late Republic, Rome was at most a referee, no longer a participant in the struggles. In 175 BC the inhabitants of Patavium, a foreign community in the later province

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[35] Livy 27. 9. 7–10, 10; cf. Toynbee, *Hannibal's Legacy*, ii. 111–113. Probably they had every reason to declare that their manpower was exhausted, cf. P.A. Brunt, *Italian Manpower, 225 B.C. – A.D. 14* (Oxford, 1971), 84; cf. 57 with n. 1; E.T. Salmon, *The Making of Roman Italy* (Ithaca, NY., 1982), 197 n. 310.

[36] For the punishment of the 12 recalcitrant colonies, Livy 29. 15. 1–15. What the new form of *census* meant is explained by A.H. McDonald, "Rome and the Italian Confederation (200–186 B.C.)", *JRS* 34 (1944), 12: the levy was now administrated by the Roman magistrates (McDonald's further suggestion that the colonists even paid *tributum* remains doubtful). Cf. Toynbee, *Hannibal's Legacy*, ii. 115–116.

[37] An example is the case of Ardea in 443, when the aristocratic party mobilized Roman support against the *populus*, cf. Livy 4. 9. 1–10. 7. Livy's report is full of fantastic details, so the story may be fictional, but the phenomenon of foreign help for parties involved in *staseis* is well known from Greek history (cf. H.-J. Gehrke, *Stasis. Untersuchungen zu den inneren Kriegen in den griechischen Staaten des 5. und 4. Jahrhunderts v.Chr.* [Vestigia, 35; Munich, 1985]) and too natural to be improbable for Italic struggles. Cf. also the civil war in Arretium 302 (Livy 10. 3. 2 and 5. 13).

of Cisalpina—undoubtedly by means of an embassy—turned to the Romans with a request for help in the resolution of their internal conflicts. The senate entrusted the task to the consul M. Aemilius Lepidus.[38]

The foreign policy of the allies was limited by their treaties with Rome and by the growth of Roman power. The option of enforcing claims against other states by military action had been surrendered in fact, if not expressly.[39] But diplomacy remained to them as a peaceful means of pursuing their own interests. It is therefore not surprising that Rome was repeatedly asked to act as a referee whenever two of its allies could not come to an agreement.[40] The usual scenario was a territorial dispute between two contiguous communities. I have already alluded to a case from the year 168, when Pisa and Luna sent ambassadors to Rome.[41] Four further examples are transmitted to us outside the Livian corpus. Cicero reports that Q. Fabius Labeo, the consul of 183, was named as referee by the senate to settle the boundary dispute between Nola and Neapolis. Once on the scene he advised both parties in separate conversations to be ready to make compromises rather than pursuing a confrontational course. He thereupon accepted the reduced demands of both sides and gave the stretch of unclaimed land in the middle to Rome.[42] Cicero branded this disingenuity a bending of the law. Cicero himself however was not quite certain that the story is true.[43] In any case it is clear that the senate entrusted a magistrate with investigating and resolving the question only after both or at least one of the parties to the dispute had requested such help. For this purpose embassies had undoubtedly been sent to Rome. Similar refereeing, entrusted to individuals by senate decree, is epigraphically attested for boundary disputes between Ateste and Patavium, refereed by a proconsul probably in the year 141 BC,[44] between Ateste and

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[38] Livy 41. 27. 3–4.

[39] Cf. K.J. Beloch, *Der Italische Bund unter Roms Hegemonie. Staatsrechtliche und statistische Forschungen* (Leipzig, 1880), 211 on this result of the treaties; see also R. Scuderi, "Decreti del senato per controversie di confine in età repubblicana", *Athenaeum* 79 (1991), 372–373; Mouritsen, *Italian Unification*, 43.

[40] Cf. for Roman arbitration Scuderi, "Decreti del senato", 371–415.

[41] Cf. nn. 21 and 24.

[42] Cic. *Off.* 1. 33.

[43] Cic. *Off.* 1. 33: '… si verum est Q. Fabium Labeonem seu quem alium—nihil enim habeo praeter auditum …'.

[44] *ILLRP* 476. For the date Scuderi, "Decreti del senato", 377.

Vicetia, refereed by a proconsul in 135 BC,[45] and between Genua and the Viturii Langenses, refereed by two commissioners in 117 BC.[46] That such disputes did not necessarily involve Rome, but could be settled locally, is shown by the *cippus Abellanus*.[47]

The way in which the Praenestines could have expressed their outrage at the instructions of the consul Postumius Albinus in 173, or the way in which they could have complained about the unusual and unnecessary expenditure and gestures, was the way of diplomacy. They could have sent an embassy to Rome, which would have described the situation and explained their point of view, namely, that they were not obligated to perform such services in the present situation. According to Polybios the senate became involved whenever private individuals or communities in Italy needed arbitration, reprimanding, help, or protection.[48] The Praenestines however exercised forbearance and took no action. Livy can do no more than speculate about their motives: he considers both moderation and fear possible. In other words: the matter was not very important to them, or they feared suffering additional disadvantages. Modern scholars have embraced both explanations. Badian considers their reaction indicative of the submissiveness of the allies which contributed to the extension of Roman power.[49] Galsterer sees a failure of the Praenestines to demand their rights in Rome.[50] Keaveney diagnoses resignation with the Praenestines who did not expect anything from protest.[51]

The diplomatic option was however all things considered probably not very attractive for the Praenestines. One must not wonder, along with Livy, why they failed to take this course. An embassy had to be introduced into the senate in order to make a request there. Then the senate decided—if it wanted to. This did not happen overnight. A complaint right after the receipt of the letter would not have stopped the consul, since he probably arrived before Praeneste, which is only

[45] *ILLRP* 477.

[46] *ILLRP* 517; cf. M. Stahl, "Herrschaftssicherung und patronale Fürsorge. Zum Schiedsspruch der Minucier für Genua (*CIL* V 7749) und seiner Rezeption im frühen 16. Jh.", *Historia* 35 (1986), 280–301.

[47] Cf. Scuderi, "Decreti del senato", 386–389.

[48] Polyb. 6. 13. 5.

[49] E. Badian, *Foreign Clientelae*, 148.

[50] Galsterer, *Herrschaft*, 167.

[51] Keaveney, *Rome*, 31–32.

about 35 km from Rome, a few days later.[52] There was not enough time to get a decision of the senate. Since apart from that it is probable that Postumius was accompanied by troops,[53] the Praenestines had to reckon with the possibility that the consul would take what he wanted, if necessary. The Praenestines could have prevented him only by meeting force with force. The refusal of his requests was therefore hardly realistic. Military resistance to the consul would have been interpreted as insurrection. The damage would certainly have been greater if it had been necessary for Postumius himself to take what he needed by force. It was unavoidable initially to let Postumius have his way.

Nevertheless the Praenestines could have sent an embassy to the senate and demanded the punishment of the consul for threatening them. But it was questionable whether and when the senate would want to go into the matter. One had to begin by convincing a consul or praetor to present the embassy to the senate. Mommsen believes that already in the second century BC the introduction of embassies into the senate was reserved for the consuls and was usually done at the beginning of the official year, before the consuls left for their provinces.[54] If there had been such an unvarying rule, the Praenestines would have had to wait nearly an entire year, since the other consul, M. Popillius Laenas, went to his province of Liguria before Postumius returned to Rome from Campania.[55] The return of Postumius to Rome would have been of no use to the Praenestines, since the consul certainly would not have been willing to present a complaint directed against himself to the senate. The hard and fast rule asserted by Mommsen is however not compelling. Frequently we also see the urban praetor concerned

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52 Even Augustus, traveling—or making haste—slowly in a litter, needed only two days for the journey from Rome to Praeneste (Suet. *Aug*. 82. 1).

53 The recruitment had apparently already been completed, cf. Livy 42. 1. 1–3.

54 Mommsen, *Staatsrecht*, iii 2. 1155–1156.

55 Livy 42. 8. 4 reports that Postumius was still busy with his investigation of the land distributions in Campania, when the urban praetor A. Atilius Serranus read in the senate a letter of Popillius about his questionable heroic deeds in Liguria. W. Eder, *Das vorsullanische Repetundenverfahren* (Diss. Munich, 1969), 27–28 assumes that the action of Postumius in Praeneste became known to the senate even without a Praenestian embassy, but Popillius, being connected to his colleague and feeling like him concerning the allies, took care that the senate did nothing. Eder's reconstruction is founded only on the fact that Livy preserves the incident, but it is perfectly possible that the story became known in Rome without the senate ever discussing it.

with the introduction of embassies into the senate.[56] Even if the custom of receiving embassies at the beginning of the consular year arose in the second century, the senate decrees preserved in inscriptions, which are dated by month and day, reveal that the senate was not prevented by this rule from receiving ambassadors throughout the year. Naturally they also took action in response to these embassies.[57] The embassies which the consuls introduced into the senate at the beginning of the official year, before departing for their provinces, were probably in the main routine embassies bringing expressions of thanks. They served to maintain a good diplomatic climate and did not precipitate concrete decisions. For that reason there was no harm done if they were made to wait a little.[58]

The Praenestines would have had to convince the urban praetor, who in the absence of the consuls convened and presided over the senate that it was appropriate to bring before the senate an embassy which would complain about the conduct of the consul during his brief stay in Campania. There was a risk that the praetor would not be willing to confront the consul. Postumius himself might have returned and refused to introduce the embassy before proceeding to his province of Liguria. Realistically it was necessary to wait until Postumius' year in office was over and he had returned to private life. The senate was in any case not an independent court, but a gathering of ambitious politicians, who all pursued their own interests and were connected with each other through various personal ties. The friends of Postumius did not care whether he had behaved badly in Praeneste and would have stood up for him. The decisive question was: Could Praeneste itself find enough friends to win the showdown with Postumius?

The work which the Praenestines would have had to perform was a work of lobbying. There are indications that matters which were not important from Rome's point of view—and this incident certainly was

[56] Cf. Livy 34. 57. 3; 44. 16. 4; App. Mithr. 6 (19); more examples in Buettner-Wobst, *De legationibus*, 58 n. 4.

[57] Cf. M. Bonnefond, "Calendrier des séances et lieux de réunion du sénat républicain. La contribution de l'épigraphie", in *Epigrafia ed ordine senatorio*, i (Tituli, 4; Rome, 1982), 59–61; ead., "La lex Gabinia sur les ambassades", in C. Nicolet (ed.), *Des ordres à Rome* (Paris, 1984), 66.

[58] Cf. Livy 45. 17. 6 for a *senatus consultum* of 167 obliging the consuls to introduce embassies of thanks in the senate before leaving for their provinces. Cf. Cic. *Verr.* 2. 1. 90 for Milesian envoys being in Rome during the trial of Verres, which means late in the summer of 70 BC, and waiting for a hearing in February, cf. Bonnefond, "Lex Gabinia", 67.

not—could only reach the senate and be favourably heard if no powerful interests were opposed or if a pressure group offered support.[59] Cicero relates a witty reply of the herald Granius to Scipio Nasica, the consul of 111. It refers to the rejection of embassies.[60] The scholiast explains that embassies were admitted to the senate in accordance with the will of the consuls, whereby for the most part *gratia*, but sometimes *pecunia* determined the outcome.[61] In 177 the embassies of all the allies or at least of the *socii nominis Latini* had trouble getting a hearing, although national defense, one of the chief concerns of the Romans, was at stake. Livy remarks by the way that the ambassadors had already tried their luck with the censors and the previous consuls, those of 178, but were only now admitted to the senate.[62] The path of foreign embassies in Rome was easily obstructed. The magistrate responsible for conducting meetings of the senate—in this period usually the urban praetor—was at liberty to decide whether and when he introduced an embassy into the senate.[63] He was not completely free to the extent that other senators tried to influence him, and he would not have been able to keep secret the fact that some embassies had come to address matters of great importance. But he seems not to have been obligated to introduce all embassies to the senate immediately.[64] For this there might have been practical grounds, since in the second century the number of such delegations came to be very high. Moreover, I am not convinced by Bonnefond's argument that the magistrate had to present embassies according to the order of their official registration in Rome.[65] Her own

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[59] Cf. Badian, *Foreign Clientelae*, 160.

[60] Cic. *Planc.* 33: "Consuli P. Nasicae praeco Granius medio in foro, cum ille edicto iustitio domum decedens rogasset Granium quid tristis esset; an quod reiectae auctiones essent: 'immo vero,' inquit, 'quod legationes'."

[61] *Schol. Bob.* ad Cic. *Planc.* 33 (p. 158 Stangl): "Nam legationes ab externis populis missae ad senatum solebant ordinari pro voluntate consulum. Quas plerumque gratia, nonnumquam et accepta pecunia consules ordinabant, ut introducti ad senatum possent."

[62] Livy 41. 8. 6: "Moverunt senatum et legationes socium nominis Latini, quae et censores et priores consules fatigaverunt, tandem in senatum introductae." Cf. Bonnefond, "Lex Gabinia", 77.

[63] Opponents in war had to confront another difficulty: the magistrate active in the region, cf. Mommsen, *Staatsrecht*, iii 2. 1150–1151; Linderski, "Ambassadors", 466–470.

[64] That embassies stayed at Rome for longer periods was not a rare exception, cf. the Milesian example of 70 (above n. 58); for other cases see Canali De Rossi, *Ambascerie*, nos. 171; 347.

[65] Bonnefond, "Lex Gabinia", 70, relies on the clause of the *lex de piratis persequendis* of 100 BC which gives guarantees to the magistrate that he cannot be held personally responsible for bringing Rhodian envoys into the senate *extra ordinem* according to

lists suggest that in Livy importance had priority,[66] and I cannot believe that this is only a restructuring for literary purposes while the senate in fact was willing to listen to a lot of petty questions before it negotiated with the envoys of powerful friends in a crisis region. Anyway, an embassy dealing with a small and unpleasant matter and which could earn the enmity of a man of consular rank and that of his friends could easily be caught in a Kafkaesque situation—unless it could mobilize supporters of such importance that the praetor was forced to give way, or it was willing to invest some money and the praetor was willing to accept it.[67]

The ambassadors from Praeneste would have had to follow usual procedures upon arriving in Rome. They would have had to be registered at the temple of Saturn.[68] Many ambassadors had a claim to free lodging and reimbursement of travelling expenses, but such advantages tended to be regulated in the treaties of alliance.[69] We do not know whether the treaty between Rome and Praeneste had such a provision.[70] But as Livy relates it was in any case usual to stay with one's

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this statute (*Roman Statutes*, no. 12, Delphi copy block B ll. 18–20: τούτους [τε τοὺς πρεσβευτὰς - - - ἐκτ]ὸς τῆς συν[τ]άξεως εἰς τὴν σύγκλητον εἰσαγέτω [τ]ῆς τε συγ[κλήτου] δόγμα φροντισάτω ἵνα γένητ[αι, ἐπειδὰν αὐτοὺς κατὰ τοῦτον τὸν νόμον, εἴτε νό]⟨μ⟩ος ἐστίν εἴτε δήμου γνώμη ἐστίν, εἰσαγειοχὼς ῇ τοῦ[τ]ό τε ἀζ[ημίῳ αὐτῷ] ἐξέστω ποιῆσαι.) But this clause of impunity does not necessarily imply that the deviation from the clearly defined order of officially registered embassies was a transgression of the law, for the *lex de piratis* would have changed such a law anyway. It seems to me more probable that a rapid hearing in the senate without reasons pertaining to Roman interests was so unusual that it fostered suspicions of bribery more or less automatically. Accusations against the magistrate introducing this embassy would have been centered on corruptibility, not on deviance of the order of embassies, an offence never heard of in the history of Roman trials. Bonnefond-Coudry, *Sénat*, 329 already changed her view.

66 Cf. Bonnefond-Coudry, *Sénat*, 297 (the list for 199; drawn from Livy 32. 2. 2–7: Carthage asks for the restitution of prisoners, Gades does not want to get a prefect, Narni makes known the problems with its colonists, Cosa asks for additional colonists); 301 (list for 177, Livy 41. 8. 5–12: the Sardinians inform the senate about war in Sardinia, Latin embassies, *tandem in senatu introductae* (§ 6), ask for help with their emigration problems); 302 (list for 168, Livy 45. 13. 10–14. 7: territorial quarrels between Pisa and Luna, salutations from Pergamon, salutations from Masgaba).

67 Sometimes we hear of foreign ambassadors distributing bribes in Rome (Polyb. 32. 6. 3; 33. 15. 1–2, Diod. Sic. 31. 27a; Aul. Gell. 11. 10. 4–6; cf. Buettner-Wobst, *De legationibus*, 44–45). For the corruption organized by Jugurtha and his envoys cf. Bonnefond, "Lex Gabinia", 78–80.

68 Plut. *Mor.* 275 C. Plutarch reports about contemporary practice, but to him this is ancient tradition which once made much more sense than now. So perhaps this habit existed already in mid-republican Rome.

69 Cf. Mommsen, *Staatsrecht*, iii 1. 597.

70 Th. Hantos, *Das römische Bundesgenossensystem in Italien* (Vestigia, 34; Munich, 1983),

guest-friends.[71] We may safely assume that the community of Praeneste had *hospitia publica* with one or more Roman senators. The leading men of the state, who were chosen as ambassadors, would have had *hospitia privata* with important Roman families.[72] Lodging for the ambassadors during their stay in Rome would not have been a problem.

The *hospites* or *patroni*, in case the hierarchical relationship was formally recognized,[73] were those who were more or less obligated to help the ambassadors with their knowledge of the political structures and realities and through their influence.[74] It was certainly useful if the *hospites* and *patroni* brought the ambassadors into contact with the urban praetor, who was responsible for the agenda of the senate. The ambassadors might have shown up at the *salutatio* of the praetor, held in the morning, perhaps in the company of their *patroni*, which would underscore the request. Certainly it was advisable to attend the *salutationes* of leading senators, since this could lead to a positive reception of their request.[75] The ambassadors might have met with senators in the Atrium Regium,[76] perhaps also in the *stationes municipiorum*, centers for individual communities or groups of communities near the Volcanal.[77] The *stationes* are however first attested for the imperial period, so it is not

62–63, supposes that after the Latin War a new alliance was formed, since the *foedus Cassianum* had become obsolete.

[71] Livy 42. 1. 10 (above n. 5). The Roman magistrates and the senate met embassies from opponents in war outside of the *pomerium* and took care for lodging there, usually in the *villa publica* (an example Livy 33. 24. 5; cf. Canali De Rossi, *Ambascerie*, no. 482).

[72] For *hospitia* cf. now J. Nicols, "*Hospitium* and Political Friendship in the Late Republic", in M. Peachin (ed.), *Aspects of Friendship in the Graeco-Roman World*, Proceedings of a conference held at the Seminar für Alte Geschichte, Heidelberg, on 10–11 June, 2000 (JRA, Supplementary Series, 43; Portsmouth, R.I., 2001), 99–108.

[73] Cf. for the difference C. Eilers, *Roman Patrons of Greek Cities*, 111–112.

[74] Cf. F. Canali De Rossi, *Il ruolo dei patroni nelle relazioni politiche fra il mondo greco e Roma in età repubblicana ed augustea* (Beiträge zur Altertumskunde, 159; Munich and Leipzig, 2001), 33–46; Eilers, *Roman Patrons*, 85–91 (with examples).

[75] An impressive example of regular attendance at the morning *salutationes* is provided by an inscription for two ambassadors from Teos who acted for the Tean foundation Abdera, cf. for the text Eilers, *Roman Patrons*, C 101 (pp. 238–239), ll. 21–26. Cf. also Livy 45. 20. 10.

[76] This is now the hypothesis of K. Welch, "A New View of the Origins of the Basilica: the Atrium Regium, Graecostasis, and Roman Diplomacy" *JRA* 16 (2003), 26–30.

[77] Plin. *HN* 16. 236; Suet. *Nero* 37. 1. Cf. L. Moretti, "Sulle 'stationes municipiorum' del Foro Romano", *Athenaeum* 46 (1958), 106–116; L. Richardson, Jr., *A New Topographical Dictionary of Ancient Rome* (Baltimore and London, 1992), 368; C. Lega, "Stationes municipiorum", in E.M. Steinby (ed.), *Lexicon topographicum urbis Romae*, iv (Rome, 1999), 350–352; Welch, "A new view of the origins of the Basilica", 28.

certain that the Praenestines could have made use of them in 173/172.[78] In any case such *stationes* remind one of the offices of the German federal states in Berlin. How long this networking and lobbying had to go on before the embassy was received in the senate, was probably completely impossible to calculate. One had to be prepared for a long stay in Rome and to try to make a good impression on various occasions.

The games probably offered an especially good opportunity to come into conversation with senators. The games were popular with the political class and were a chance for the senators to see and be seen. Since 194 BC the senators had had special seats in the theaters.[79] Mommsen argued that senators could view the other games in the *forum* from the *senaculum*.[80] To this elevated place[81] the senators seem to have come before the sessions.[82] Directly below the *senaculum* was the *Graecostasis*, probably an uncovered platform, upon which the foreign ambassadors gathered.[83] We do not know whether all ambassadors gathered here before senate meetings, or only those who knew that they would be admitted to the senate. If the senators made use of the *senaculum* while games were being held in the forum, then the *Graecostasis* was probably reserved for the ambassadors, especially since special seats at games is one of the privileges for ambassadors found in treaties.[84] For its help during the Gallic sack in the fourth century the ambassadors of

[78] The earliest testimony is Pliny (above, n. 77). If some *stationes* did already exist in the 2nd century BC it is at least interesting that the only evidence concerning an early ally attests a *statio* for Praeneste's neighbour Tibur (*CIL* VI 342 = 30742); moreover, this is the only epigraphic evidence for a *statio* found near the place described by Pliny; cf. Moretti, "Sulle 'stationes municipiorum'", 114.

[79] Livy 34. 54. 3–8; Val. Max. 2. 4. 3; 4. 5. 1.

[80] Mommsen, *Staatsrecht*, iii 2. 893.

[81] Varro *Ling. Lat.* 5. 156: 'Senaculum supra Graecostasim, ubi Aedis Concordiae et Basilica Opimia.'

[82] Cf. G.G. Mason, "*Senacula* and Meeting Places of the Roman Senate", *CJ* 83 (1987), 39–50.

[83] Varro *Ling. Lat.* 5. 155: "sub dextra huius a Comitio locus substructus, ubi nationum subsisterent legati qui ad senatum essent missi; is Graecostasis appellatus a parte, ut multa."

[84] According to Suet. *Aug.* 44. 1, Augustus removed the ambassadors of foreign powers from the seating section of the senators at games, since he had discovered that members of the lower class were mixed among the ambassadors. This measure implies that the right of ambassadors to sit among the senators at games was established earlier. In fact, seating arrangements seem to have been standard privileges in interstate treaties or Roman decrees somewhat later, cf. Jos. *AJ* 14. 10. 6 (210) (Caesarian); Reynolds, *Aphrodisias and Rome*, doc. 8, ll. 76–78; doc. 9, ll. 10–11 (39 BC); but we do not know how far back this practice went.

Massilia were entitled to sit among the senators at games, or so Justin tells us.[85] This honour maximized the contact of the ambassadors with the senators, which was helpful to their cause, and permitted them as the only ambassadors in the *senaculum* to look down upon their colleagues in the *Graecostasis*.[86]

The sources frequently tell us that the duration of the stay of foreign delegations in the city was rather long. The famous embassy of philosophers in 155 had enough time to entertain the Roman public with sharp-witted lectures which had nothing to do with their diplomatic mission.[87] Cato the elder believed that these lectures, especially

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[85] Just. *Epit.* 43. 5. 10: "Ob quod meritum [sc. financial help to buy off the Gauls] et immunitas illis decreta et locus spectaculorum in senatu datus et foedus aequo iure percussum."

[86] Cf. Mommsen, *Staatsrecht*, iii 2. 1154 with n. 4. G. Nenci, "Le relazioni con Marsiglia nella politica estera romana (dalle origini alla prima guerra punica)", *Rivista di Studi Liguri* 24 (1958), 90–91 with n. 220 seems to think of a platform in the senate chamber, but it is improbable that some aliens were allowed to listen permanently to the senate's proceedings. It is much more convincing to assume that the privilege for ambassadors consisted in moving up from the *Graecostasis* to the *senaculum*. If Justinus' text is corrupt, which is indeed a possible explanation of the somewhat awkward expression *locus spectaculorum in senatu datus*, I would prefer *in senaculo* for *in senatu* (Nenci, 91 n. 220 considers *spectatorum* for *spectaculorum*). But this is mere speculation, of course.

[87] Cf. for this famous event e.g. M. Jehne, "Cato und die Bewahrung der traditionellen *res publica*. Zum Spannungsverhältnis zwischen *mos maiorum* und griechischer Kultur im zweiten Jahrhundert v.Chr.", in G. Vogt-Spira and B. Rommel (eds.), *Rezeption und Identität. Die kulturelle Auseinandersetzung Roms mit Griechenland als europäisches Paradigma* (Stuttgart, 1999), 119–126. Now C. Drecoll, "Die Karneadesgesandtschaft und ihre Auswirkungen in Rom: Bemerkungen zur Darstellung der Karneadesgesandtschaft in den Quellen", *Hermes* 132 (2004), 82–91 argues that the performances of the Athenian philosophers were not the beginning of rhetoric and philosophy in Rome, which no one would deny. But his auxiliary arguments that the Roman public did not understand Greek very well and there was no reason at all to be afraid of Carneades' style of reasoning are not convincing. The fact that the speeches of the ambassadors in the senate were translated into Latin (Aul. Gell. 6. 14. 9; Plut. *Cat. Mai.* 22. 5) does not suggest little knowledge of Greek even in the Roman upper class (as Drecoll, 86 believes): The senate usually insisted on Latin as a symbol of power, as did Roman governors in the East (cf. Val. Max. 2. 2. 2; ibid. 2. 2. 3 he reports that Molon of Rhodes was the first ambassador who spoke Greek in the senate [in 87 or 81 BC]; cf. J. Kaimio, *The Romans on Greek Language* [Commentationes Humanarum Litterarum, 64; Helsinki and Helsingfors, 1979], 103–110). That Plutarch constructed his story only to demonstrate the character and convictions of the elder Cato (Drecoll, 86–87) is always a possible conjecture, but there is not much more to substantiate it than the fact that Plutarch wrote his biography more than 250 years later. What was appealing to the Roman youth was not philosophy, but rhetoric, which every pupil also learned in Greek philosophical schools and the tremendous potential of which Carneades demonstrated skillfully; therefore it is not altogether improbable that Cato understood that this practice could be dangerous for Roman politics and tried to stop it.

those of Carneades, placed the youth in danger. When Cato wanted to be rid of them, he brought this about by making sure that the senate addressed the matter which had caused them to come to Rome in the first place.[88] He speeded up the process, so that the Athenian delegation could return home. One may suppose that many ambassadors who failed to attract the attention of the senators would have been glad to receive the help of such an influential man.

Unfortunately we do not know what advantages the Praenestines might have had if they tried to lobby in Rome. We cannot know whether their *hospites* and *patroni* were willing and able to enter into a contest with Postumius. In any case it is easy to understand why the Praenestines preferred to let the matter rest rather than seeking a diplomatic redress of grievances. The material damage could be borne. The outlay required by the attempt to bring Postumius to justice would have been great, the outcome uncertain, and possibly they would have suffered further humiliation in Rome. There were therefore good reasons to exercise moderation and to bear silently the insulting behaviour of Postumius, rather than to take the risks involved with asserting one's rights in Rome.

What do the Postumius-episode and the consideration of the realities of Italian diplomatic initiatives in Rome tell us about Romano-Italian relations in the 2nd century? It seems to me that it is difficult to deny that there was little which Italian communities and individuals in cases of improper treatment or even treaty violations by a Roman magistrate could do. This is also illustrated by another story which Livy tells us for the same year, 173 BC. One of the censors, Q. Fulvius Flaccus, robbed the temple of Iuno Lacinia in Bruttium of its ornamented roof tiles in order to decorate his own temple for Fortuna Equestris in Rome. As Livy remarks the authority of the Roman censor deterred the allies from preventing the sacrilege.[89] But the tiles could not be hidden in Rome, so the gossip began and reached the senate. The consuls were emboldened to put the matter on the agenda. The censor was ordered to come to the senate and was sharply attacked. When the problem was discussed officially, the senate ordered the return of the tiles and a sacrifice to Iuno in expiation. But in fact the tiles could not be put back into place on the temple for lack of specialized craftsmen.[90]

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[88] Plut. *Cat. Mai.* 22. 6–7; Plin. *HN* 7. 112.
[89] Livy 42. 3. 3: '… auctoritate censoria sociis deterritis id sacrilegium prohibere.'
[90] Livy 42. 3. 1–11. Cf. Toynbee, *Hannibal's Legacy*, ii. 631–632. For Badian, *Foreign*

When the act of the censor became known in Rome, the senators apparently were united in their indignation.[91] They took measures to return the stolen goods. They also ordered a sacrifice to mollify the gods who might be angry at the thievery of the censor.[92] More than that they did not do. They did not take care to see that the temple in Bruttium was restored to its original condition. They did not punish the transgressor. They did not apologize to the community which had been wronged by the censor.[93] At any rate Livy says nothing of this sort, and this silence seems to me to be significant. According to Livy in the speeches against Fulvius it was maintained that a similar denuding of the private dwellings of the allies would have been bad enough,[94] but the denuding of a temple of a goddess was worse. Nothing is said about the insult to the *socii* themselves. One cannot help noticing that the Bruttii behave as the Praenestines: after failing to resist the censor, they seem to have written off the roof tiles as a loss. Livy says nothing of an embassy which went to Rome to air the matter in the senate. According to Livy the senate learns of the misdeed of the censor because the roof tiles could not be concealed and in the senate itself it was rumoured that they came from the temple in Bruttium.[95] The Bruttians had no more hope than the Praenestines of obtaining justice in Rome and decided to forgo a diplomatic initiative. It seems unlikely that the half-hearted restitution on the part of the senate and the reserve of the Bruttians is due to the fact that the Bruttians some 40 years earlier had fallen away from Rome.[96] At least this cannot be the whole explanation

Clientelae, 148 n. 5, Livy's explanation as to why the temple was not restored is 'patently absurd', but his own guess that the Bruttian priests did not order the restoration for fear of 'the hostility of a powerful Roman family' (op. cit. 148) is no more convincing. There was some loss of face for Fulvius anyway when the tiles came back, whether they were put back on the roof of the temple again or dilapidated in front of it.

[91] Livy 42. 3. 10: 'Cum, priusquam referretur, appareret, quid sentirent patres, relatione facta in unam omnes sententiam ierunt, …'.

[92] Livy 42. 3. 10.

[93] Probably Kroton, cf. Toynbee, *Hannibal's Legacy*, ii. 631; Wulff Alonso, *Romanos*, 185–186.

[94] Livy 42. 3. 8.

[95] Livy 42. 3. 4–5: "Postquam censor rediit, tegulae expositae de navibus ad templum portabantur. Quamquam, unde essent, silebatur, non tamen celari potuit. (5) Fremitus igitur in curia ortus est."

[96] Even if the Bruttians as the first renegades were punished in an extraordinary way, cf. Aul. Gell. 10. 3. 19; App. *Hann.* 61 (252–253).

for this kind of behaviour, for in the war with Hannibal Praeneste had been conspicuously loyal.

There are some other reports of abusive behaviour toward allies by members of the Roman elite.[97] Even if the number of known examples is not extraordinarily high they have something in common which is rather surprising: the wronged parties do not protest in Rome. Since it is difficult to imagine that they were indifferent, the only conceivable reason for this behaviour is the assumption that going to Rome and complaining was not worth the effort.[98] The allies did not have any confidence in Roman justice, and this meant that they did not put any trust in diplomatic communication with Rome.[99] As we saw in the case of the censor Fulvius Flaccus the senate was not willing to tolerate every arbitrary act of a magistrate. There are some other cases of senatorial action in favour of the allies. In 182 a *senatus consultum* was passed forbidding the exacting of contributions for Roman games from the allies.[100] Sometimes the senate even installed an extraordinary *quaestio* to accuse a former magistrate of exploitation of the provinces.[101] In 149 the tribune Calpurnius Piso established the first permanent *quaestio de repetundis*, a court before which the injured party could bring an action against an ex-governor. The extortion cases of which we hear do not concern Italy, but since we can read in a later *lex repetundarum* that

[97] Cf. the list and the discussions of Toynbee, *Hannibal's Legacy*, ii. 608–645.

[98] Cf. Keaveney, *Rome*, 32 (on the behaviour of the Praenestians 173): "The most natural conclusion to draw from this is that rightly or wrongly, they felt that protest would be useless and would meet with no redress." See also Wulff Alonso, *Romanos*, 186.

[99] It is tempting to use the revolt of the Latin colony Fregellae in 125 BC, which was crushed by a Roman army, as another piece of evidence for the failure of diplomacy, but unfortunately we do not know anything about the motivations for the uprising. Cf. for some speculation e.g. P. Conole, "Allied Disaffection and the Revolt of Fregellae", *Antichthon* 15 (1981), 129–140; P.A. Brunt, "Italian Aims at the Time of the Social War", in id., *The Fall of the Roman Republic and Related Essays* (Oxford, 1988), 96–97; Mouritsen, *Italian Unification*, 118–119.

[100] Livy 40. 44. 11–12. But it is significant that Livy mentions at first *effusos sumptus factos in ludos* as the reason for the verdict of the senate and only then goes on that this had been a burden for the allies in Italy and elsewhere. The senators seem to have been more concerned about competition within the office holding class than about the plight of the Italian communities.

[101] Cf. on *quaestiones* for extortion delicts before 149 BC C. Venturini, "La repressione degli abusi dei magistrati romani ai danni delle popolazioni soggette fino alla lex Calpurnia del 149 a.C.", *BIDR* 72 (1969), 19–87.

the presumptive plaintiffs could also be of Latin stock[102] we can safely conclude that the laws provided for Italian cases.[103]

So the Roman senate was not generally hostile to requests from Italian communities, and there was now and then legislation to protect them against the excesses of Roman magistrates. Nevertheless the allies seem to have been reluctant to go to Rome and to try to persuade the senate.[104] The main obstacle was presumably not the senate, but getting into the senate. The chance to get a hearing was better, no doubt, when the topic was some conflict between allies. Then most of the senators were not personally involved, only the patrons of the conflicting parties worked against each other and for a decision in favour of their clients. Losing was certainly unpleasant, as always, but not a disaster. Things looked completely different when an allied community wanted to attack some member of the senate. The image, perhaps even the political survival of the senator concerned was at stake. The accused senator had to mobilize all the support which he could find. The patrons of the Italian communities would not have found it easy to defend their clients under these circumstances, even if they could be sure that the enemies of the incriminated senator would readily support every charge against him.[105] But the senators who were not obligated to one side or the other would have tended to help a fellow senator who was being slandered by foreigners.[106] The urban praetor, who was responsible for the agenda of the senate (the consuls usually being abroad), probably would have awaited developments when he was not closely linked to one of the

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[102] In the *lex (Acilia?)* of 123/2, cf. Crawford, *Roman Statutes*, i. no. 1, l. 1. The Italian *socii* are presumably lost in the *lacuna* at the beginning. See A.W. Lintott, *Judicial Reform and Land Reform in the Roman Republic*. A new edition, with translation and commentary, of the laws from Urbino (Cambridge, 1992), 110–111.

[103] It is improbable that this was an innovation in 123/2 BC.

[104] W. Eck, *Die staatliche Organisation Italiens in der hohen Kaiserzeit* (Vestigia, 28; Munich, 1979), 15 n. 27 assumes that the high number of patrons in Rome could be the explanation for the low level of diplomacy in Roman Italy during the Empire. But at least in the republican era when Italian communities had to get into the senate for a decision in their favour, patrons do not seem to have been a surrogate for embassies, but a way to improve the prospects of embassies to succeed (cf. Eilers, *Roman Patrons*, 91–92). Even if the community resorted to mere lobbying they had to inform their patrons and usually some local upper class people had to go personally to Rome and had to stay there to remind their benefactors regularly that their business was still to be done.

[105] As to be seen in the case of the Sicilians against Marcellus in 210 (Livy 26. 26. 6; 29. 5) and in the case of Locri against Scipio Africanus in 204 (Livy 29. 19. 3–13). See P.A. Brunt, "Patronage and Politics in the 'Verrines'", *Chiron* 10 (1980), 273.

[106] Even the *patroni* of complaining communities were sometimes suspected of collusion with the accused ex-governors, cf. Livy 43. 2. 11.

parties to the dispute. When the general feeling toward the embassy was negative or the outcome seemed uncertain, then he probably did not feel obligated to bother the senate with the episode.

Upon considering the ways in which the complaint might have been handled in Rome, one becomes cognizant of the disadvantages of the patronage system quickly enough. Of course, patronage is not a system of distribution which provides everyone with the goods and services he longs for (otherwise we should return to it immediately). The decisive questions are if there was a fair chance to get what seemed justified and if there was an alternative in case of dissatisfaction. The answer to the last question is no, without any hesitation: under Roman rule you could perhaps look for another patron, but you could not dispense with patronage if you wanted to succeed in Rome. To the first question the answer is more difficult. My impression is that there is no reason to assume that the Italians in the 2nd century BC felt that they could rely on Roman support in a just case. Their interests always collided with others': with the interests of some Romans, or of their Italian neighbours, or even of their patrons, or all of it. In this situation, Roman senators do not seem to have been willing to do much for Italian communities if military matters were not concerned. And patrons were not different, after all. A patron was not required to devote all his energies to furthering the interests of his client. In practice it was possible for him to be remote, non-committal, or to make empty promises as a way of avoiding an unpleasant and unhelpful confrontation with influential members of his social class.

The Romans did nothing in particular to promote diplomatic relations with their Italian allies. It would have been possible to give them a privileged position by providing that they be introduced to the senate ahead of others and within a certain time after arriving in Rome. Such treaty provisions are known to us, but are not attested for Italian communities.[107] The means was known, but the Romans did not avail themselves of it. In any case it was possible to prosecute errant governors for extortion. As of the year 149 there was a standing court for extortion.[108] The existence of rewards for prosecutors in this court reveals that the

[107] So were hearings *extra ordinem* guaranteed in 100 BC for the Rhodians (*lex de praetoribus*, Crawford, *Roman Statutes*, no. 12 Delphi version block B ll. 17–19), in 81 BC for Stratonikeia (*RDGE*, no. 18, ll. 65–66), in 39 BC for Aphrodisias (Reynolds, *Aphrodisias and Rome*, doc. 8, ll. 78–82; doc. 9, ll. 11–15).

[108] For the reasons why this law was promulgated at this time, see G. Forsythe, "The Political Background of the *Lex Calpurnia* of 149 B.C.", *AncW* 17 (1988), 109–119.

Romans were aware of the problem, namely that the victims needed an added incentive to seek redress.[109] Further refinements however did not take place.

The agrarian law of Ti. Gracchus and the commission set up under it posed a threat to the possessions of many allies, who also feared treatment unequal to that received by Roman landowners. The Italians did not place their hopes in diplomacy,[110] but in lobbying: Scipio Aemilianus was made the champion of the Italian cause and was their spokesman in the senate.[111] As a result the competence to decide disputed cases was removed from the commission.[112] The Italians were successful inasmuch as their chances of remaining in possession of their land were thereby improved.

According to Mouritsen the great crisis before the outbreak of the Social War was precipitated by the land distribution program of Livius Drusus.[113] Also in this case the sources say nothing of embassies in the senate, but speak of lobbying: leading men of various states were in Rome and attempted to influence the decision-making process[114] while the allies attempted to coordinate their efforts.[115] The Romans seem only now to have awoken to the danger. We hear of some garrisons[116] and learn that some commanders were sent to various regions of Italy[117] and that some other men were trying to gather information through

[109] Cf. for *praemia*, M.C. Alexander, "*Praemia* in the *quaestiones* of the Late Republic", *CPh* 80 (1985), 20–32, esp. for extortion laws 29–30.

[110] We hear nothing of embassies in the senate, although a large proportion of the senators was opposed to the Gracchan program.

[111] App. *B Civ.* 1. 19 (78–79); *Schol. Bob.* ad Cic. *Mil.* 8 (p. 118 Stangl); cf. Cic. *Rep.* 1. 31.

[112] App. *B Civ.* 1. 19 (79–80).

[113] Mouritsen, *Italian Unification*, 149–150. For Roman land distribution as the main reason for allied unrest, see also E.T. Salmon, "The Cause of the Social War", *Phoenix* 16 (1962), 107–119, esp. 109–110; R.S. Howarth, "Rome, the Italians, and the Land", *Historia* 48 (1999), 282–300.

[114] Sen. *Brev. Vit.* 6. 1; Val. Max. 3. 1. 2a; Plut. *Cat. Min.* 2. 1–4; *De vir. ill.* 80. 1; Diod. Sic. 37. 13. 1–2.

[115] App. *B Civ.* 1. 38 (169–170); Livy *Per.* 71.

[116] In Nola (App. *B Civ.* 1. 41 [185]); cf. Mouritsen, *Italian Unification*, 130–131.

[117] Q. Servilius to Picenum (cf. below n. 119), Domitius to the Marsi (Diod. Sic. 37. 13. 1–2), Ser. Galba to Lucania (Livy *Per.* 72), L. Scipio and L. Acilius to Samnium (App. *B Civ.* 1. 41 [182]; cf. Sisenna fr. 6 [see H. Beck and U. Walter, *Die frühen römischen Historiker, ii: Von Coelius Antipater bis Pomponius Atticus* (Texte zur Forschung, 77; Darmstadt, 2004), 250–251]); in general App. *B Civ.* 1. 38 (172). Cf. A. von Domaszewski, *Bellum Marsicum* (Sitzungsberichte der Akademie der Wissenschaften in Wien, Philosophisch-historische Klasse, 201 No. 1; Wien and Leipzig, 1924), 16–17; Keaveney, *Rome*, 117–118.

their local connections.[118] One of these commanders, Q. Servilius, considered it necessary to issue orders and make threats in sharp tones.[119] In Asculum, Servilius was not given much time to regret this mistake: he was killed on the spot.[120]

Even after the bloodbath at Asculum, in which not only the commander and his entourage, but all the Romans who happened to be in the city were killed,[121] the allies attempted to come to an agreement with the Romans. At long last they sent ambassadors to Rome.[122] In the end they made use of the diplomatic option. The formalities of diplomacy, which protected even the ambassadors of an enemy power, secured the safety of their delegates. But Rome once again reacted stubbornly. Now they refused to speak with the ambassadors, although the matter at hand could no longer be considered one of secondary importance.[123] As in the case of the 12 colonies who were no longer able or willing to provide troops and in the case of the Capuans during the Second Punic War, Rome refused to negotiate with disobedient allies. The allies were once again treated as they had often been treated previously, if my reconstruction be correct: they received no opportunity to make their case.

Diplomatic communication between Rome and its Italian allies in the second century remained, in my opinion, largely unexploited. This

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118 App. *B Civ.* 1. 38 (170–171); Diod. Sic. 37. 13. 2.

119 Diod. Sic. 37. 13. 2; App. *B Civ.* 1. 38 (170–174); Vell. 2. 15. 1; Flor. 2. 6. 9; Livy *Per.* 72; Oros. 5. 18. 8; Cic. *Font.* 41.

120 App. *B Civ.* 1. 38 (173); Livy *Per.* 72; Oros. 5. 18. 8.

121 App. *B Civ.* 1. 38 (174).

122 App. *B Civ.* 1. 39 (176). The strange episode reported at Diod. Sic. 37. 13. 1–2 about Poppaedius (in fact an emendation to the reading 'Pompaeus' of the ms.) is hard to assess. Poppaedius was on his way to Rome with 10,000 armed men trying to get the senate to enfranchise the Italians when he met a certain Domitius, who persuaded him to renounce force and to approach the senate peacefully. This isolated story, difficult to integrate in any reconstruction of events, "may be fiction" (Brunt, "Italian Aims", 101). But even if not, the senate was not willing to grant citizenship to the allies as Domitius suggested, so this story is no promotion at all for diplomacy as a means to move the senate. G. Dipersia, "Le polemiche sulla guerra sociale nell'ambasceria latina di Livio VIII, 4–6", in M. Sordi (ed.), *Storiografia e propaganda* (Contributi dell'Istituto di storia antica, 3; Milan, 1975), 111–120, argues that the lively debate found in Livy between Latin envoys and Roman senators before the outbreak of the Latin War in 340 BC is a reflection of the situation at the beginning of the Social War (see also E. Gabba, *Appiani bellorum civilium liber primus* [Firenze, ²1967], 129). However that may be, the only source we have on Italian ambassadors in Rome on the eve of the Social War, Appian, implies clearly that they did not get a hearing in the senate, so the analogy to Livy's story is not very close.

123 App. *B Civ.* 1. 39 (176).

was not due to the fact that there was nothing to discuss and decide. The main cause was the allied conviction that their attempts to initiate such communication would meet with many obstacles in Rome and not be worth the effort and the risk. The number of incidents involving Roman officials in Italy might not have been very high, but it seems to me that they were nevertheless significant. Some of these incidents and the Roman mistrust of their allies after the Second Punic War were discussed by Arnold Toynbee in a chapter entitled "The Change of the Psychological Climate." The section of the work in which this chapter finds itself deals with change for the worse.[124] That seems to me even now to be a convincing estimate of the situation. But the chief problem was not the occasional Roman misstep, but the fact that the means for redressing grievances, the diplomatic channel, for the most part was of no avail. Those who attempted to use this channel had to endure a lot of humiliation and often had new grounds for complaint. The inability of the Romans to recognize this problem is a sign of the arrogance of power. But even a superpower runs risks, whenever its diplomacy is not truly diplomatic.

Additional Note

This paper was finished in 2005. In the meantime, there were published additional books and papers on problems addressed here. Since I have not read anything that convinced me to change my views in a fundamental way I have settled for a short bibliographical appendix.

I have now acquired an additional collection of sources on diplomatic activities by F. Canali De Rossi, *Le ambascerie romane* ad gentes *in età regia e repubblicana* (Rome, 2000). Important volumes on Roman diplomatic relations were published, but the focus is on the Republican period previous to the second century: C. Auliard, *La diplomatie romaine. L'autre instrument de la conquête. De la fondation à la fin des guerres samnites (755–290 av. J.-C.)* (Rennes, 2006); E. Caire and S. Pittia (eds.), *Guerre et diplomatie romaines (IVe–IIIe siècles av. J.-C.). Pour un réexamen des sources* (Aix-en-Provence, 2006). There are two fine papers on Roman procedure of dealing with foreign embassies: M. Coudry, "Contrôle et traitement des ambassadeurs étrangers sous la République romaine", in C. Moatti

[124] Toynbee, *Hannibal's Legacy*, ii. 106–115.

(ed.), *La mobilité des personnes en Méditerranée de l'antiquité à l'époque moderne. Procédures de contrôle et documents d'identification* (Rome, 2004), 529–565; J.-L. Ferrary, "Les ambassadeurs grecs au Sénat romain", in J.-P. Caillet and M. Sot (eds.), *L'audience. Rituel et cadres spatiaux dans l'Antiquité et le haut Moyen Age* (Paris, 2007), 113–122. For some discussion on the frequency of contact between Rome and Italy during the middle Republic and the opinion that there was not much interest in communicating very often if only the allies fulfilled their military obligations, cf. some of the papers in the conference volume of M. Jehne and R. Pfeilschifter (eds.), *Herrschaft ohne Integration? Rom und Italien in republikanischer Zeit* (Studien zur Alten Geschichte, 4; Frankfurt am Main, 2006). In this volume, there is a concise reformulation of the view that there was no strong tendency towards integration of Italians in the Roman citizen body by H. Mouritsen, "Hindsight and Historiography: Writing the History of Pre-Roman Italy", in *op. cit.*, 23–37.

EMBASSIES GONE WRONG: ROMAN DIPLOMACY IN THE CONSTANTINIAN *EXCERPTA DE LEGATIONIBUS*

T. Corey Brennan

I. *Introduction*

It was the first decade of the twentieth century that saw the rebirth of Diodoros Pasparos, who turns out to have been an illustrious representative of Pergamum in the later Roman Republican period. We can thank especially Hugo Hepding for bringing this man to light. In 1907 and 1910 the young Hepding published or identified almost a dozen Pergamene decrees that honored this previously unknown individual—inscriptions substantial enough for Diodoros Pasparos later to enjoy a full nine columns of discussion in a Supplement volume to the Pauly-Wissowa encyclopedia.[1]

Now, for decades it was supposed that this eminent man's chief period of public activity followed the conclusion of the war with Aristonicus in 129 BC, that is, in the earliest years of Roman Asia. Yet almost thirty-five years ago C.P. Jones convincingly reassigned Diodoros Pasparos' career highlights to a point after the First Mithridatic War. That chronology is now generally accepted.[2]

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[1] H. Hepding's contributions to the dossier can be seen at *MDAI(A)* 32 (1907), 243–266 (here also identifying some previously published material as belonging to Pasparos) and 313–315; 35 (1910), 407–414. The majority of the important items can be consulted in the edition of G. Lafaye in *IGR* IV (1927), 292–294. For a full census and discussion of the relevant inscriptions, see A.S. Chankowski, "La procédure legislative à Pergame au 1er siècle av. J-C.: à propos de la chronologie relative des décrets en l'honneur de Diodoros Pasparos", *BCH* 122 (1998), 159–199, esp. 162–165 and 195, himself working from a list assembled by D. Kienast in *RE Suppl.* XII (1950), s.v. 'Diodoros Pasparos', coll. 224–232 at coll. 224–225.

[2] On the date, see C.P. Jones, "Diodoros Pasparos and the Nikephoria of Pergamon", *Chiron* 4 (1974), 183–205 and "Diodoros Pasparos Revisited", *Chiron* 30 (2000), 1–14, esp. 1 n. 3 for a list of authorities who have accepted the 'low' dating, to which one may now add M. Kohl, "Das Nikephorien von Pergamon", *RA* (2002), 227–253;

For students of ancient diplomacy, even before Jones's reevaluation, Pasparos had become practically a household word. The reason is not so much what he is known to have done. True, there was a major diplomatic mission to Rome, one that emerges as his most celebrated success, cropping up in three or four separate documents. But precisely what he obtained for Pergamum on this mission is uncertain, for the key inscription is quite lacunose at the relevant point. Much of the abundant older speculation on this matter can be wholly abandoned, because it is predicated on either an early dating for the man, injudicious supplements to the relevant text, or both.[3] Jones in re-dating the man concisely sums up what must be the most plausible reconstruction of Pasparos' place in ancient diplomatic history. Based on what we know from his dossier, he is to be added

> to the roll of…influential Greeks who represented their city and province at Rome after the First and (probably) before the Third Macedonian War. Like those other ambassadors, he used his influence with senate and magistrates to lighten the conjoint burden of tribute and debt, made heavier by the commitments of the cities to the ruthlessly efficient Roman businessmen. For Pergamon in particular he won some relief from the abuses of Roman troops billeted there, probably part of the Fimbrian legions, and restoration of the property of dead citizens which had been confiscated by Sulla.[4]

Of course, Pergamum was the site where Mithridates VI in (probably) 89 BC executed the *legatus* M.' Aquillius (*cos.* 101 BC) by having molten gold poured down his throat. The city then sided with Mithridates in the war that ensued against Rome, during which time it served as the king's principal base. We do hear of an assassination plot against the king in 86 BC involving eighty Pergamenes, one which Mithridates brutally suppressed.[5] Yet after the Peace of Dardanus in 85, Pergamum

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C. Eilers, *Roman Patrons of Greek Cities*, 80 n. 56; and S. Dmitriev, *City Government in Hellenistic and Roman Asia Minor* (Oxford, 2005) 128 n. 99. The crucial point is that Diodoros was gymnasiarch at Pergamum during the celebration of the 29th *Nikephoria*, which Jones showed must fall in 69 BC.

[3] See *IGR* IV 292, lines 1–15 with the commentary of C.P. Jones, "Diodoros Pasparos and the Nikephoria", 190–197, amply collecting earlier views.

[4] The quotation is from C.P. Jones, "Diodoros Pasparos and the Nikephoria", 204. Diplomatic activity in which Diodoros obtained partial exemptions for Pergamum: *IGR* IV 292, lines 4–7 (debt), 7 (possible reference to a levy?), 8–12 (billeting), 12–15 (the estates). For the travel to Rome, see *IGR* IV 293 col. II line 11; cf. 292, lines 1, 17 and 36, 294, lines 29–30, and (probably) *MDAI(A)* 35 (1910), p. 408, no. 2, line 11.

[5] App. *Mith.* 48.192–193; cf. 58.236 and Oros. 6.2.8.

probably lost its freedom (which it had held since 129) and other privileges.[6] So any benefit that Diodoros Pasparos can have obtained for his province and his native city in the aftermath of that conflict must be counted a significant achievement.

All the same, for most modern scholars the fame of Diodoros Pasparos as diplomat has had to do with the nature of the resolutions passed at Pergamum to mark his services. Those are often cited as the most extreme example of inflated—even reckless—honors for an ambassador from the Classical world. "At the very time the citizens of Pergamum were in debt," remarked D. Magie with barely concealed disgust, "and when the city had petitioned in vain for the abolition of the war-contribution demanded by the Romans, the Council and People voted to honour Diodorus by bestowing on him a golden wreath and by erecting no less than five statues of him, two of gold and two of bronze, one of each kind to be on horseback, and one of marble, the last to be set up in a temple which was likewise to be reared for his worship."[7]

That was just a start. There followed favored seating for Diodoros at all the state festivals, and the same right of sacrifice with incense that a Pergamene Council president had before meetings, assemblies or games. Plus the day of the month on which Diodoros reentered Pergamum from his embassy was henceforth to be sacred. The relevant inscription also tells us he was to be the eponymous hero of his own city tribe, and honored by his own (elected) priest. A sacred precinct named the Diodoreion was to provide the site for his temple, with elaborate instructions for the procession to mark its dedication. Funeral honors too for Diodoros were spelled out. As L. Robert stressed, the cult Diodoros Pasparos received was not for his (numerous) benefactions to his city, but specifically for his embassy to Rome.[8]

Whether all these items were performed in actual fact is an open question.[9] But it is the general nature of the honors to Diodoros that concerns us here. For that, Greek documents of the Hellenistic and

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[6] C.P. Jones, "Diodoros Pasparos and the Nikephoria", 203 with n. 130.

[7] D. Magie, *Roman Rule in Asia Minor* I (Princeton, 1950), 162; cf. D. Kienast, *RE Supp.* XIII (1973), s.v. "Presbeia", coll. 576–577. The pertinent inscription for these honors, and the additional ones to be mentioned below in text, is *IGR* IV 292, lines 15–56.

[8] L. Robert, *Études anatoliennes* (Paris, 1937), 49 n. 4.

[9] Magie, *Roman Rule in Asia Minor* II 1050 n. 4.

Roman period offer plenty of parallels—perhaps none so extravagant in their totality, but not far removed in discrete particulars.[10]

Consider a much earlier inscription, from Histria dating to the third or second century BC.[11] It details honors paid to three ambassadors sent to Zalmodegicus, king of the Getae. These men and their descendents were to be registered as 'benefactors of the *demos*' and honored with a gold crown whenever they attended the theater—distinctions not customary in, say, fifth or fourth century Athens. But the nature of the envoys' achievement is made quite vivid. The embassy traveled through hostile territory and 'withstood every danger' to secure the release of more than sixty hostages from the king. They even persuaded him to remit the ransom money.

So here once again is an instance—as in the properly re-dated Diodoros Pasparos dossier—where seemingly exaggerated honors indeed are tethered to substantive achievements. Indeed, the very fact that honors for ambassadors allowed for inflation can be taken to imply that diplomacy was a tough business, one that involved financial, political, and even physical risk for those who volunteered or were volunteered to represent their communities. In the Greek inscriptions much is made of the willingness of such-and-such to undertake multiple embassies or to shoulder privately the expenses of state diplomacy. In the mid second century AD the Spartan C. Iulius Theophrastus did both. 'I was presbeutes to Rome twice at my own expense and in Greece many times.'[12] On the Roman side, discussion of embassies in legal texts such as the *Digest* and the *Theodosian Code* is very much focused on state diplomacy as a *munus*, a burdensome obligation for elites.[13]

Unsurprisingly, it is not hard to find references in Roman-era decrees to the reluctance of individuals to put themselves forward for even high profile missions, and the 'grievous burden' (βάρος), 'dangers' (κίνδυνοι), 'suffering' (κακοπαθία), and hardship of long absences that attended those who put aside their own affairs to serve. In this connection, one must really spare a thought for the poor ambassador of Ephesus who

[10] See D. Kienast, *RE Supp.* XIII (1973), s.v. "Presbeia", coll. 574–577; cf. C.P. Jones, "Diodoros Pasparos and the Nikephoria", 204 with n. 138 (parallels for Diodoros' specific period).

[11] *SEG* 18. 288 = *Inscr. Scyth. Min.* II 1 (Istros), 8, lines 3–19 for what follows, especially lines 8–9.

[12] *SEG* 11. 492, ll. 14–15 = *ABSA* 27 (1925/1926), p. 228.

[13] See especially *Dig.* 50. 7 (De legationibus); *Cod. Theod.* 12. 12 (De legatis et decretis legationum).

was honored for attempting to meet Septimius Severus and Caracalla in Rome, Britain, Germania Superior, Sirmium in Pannonia, Nicomedia, Antioch and even Mesopotamia before he could bring his assignment to a successful conclusion.[14]

This in turn brings up an obvious but I think important point. Virtually all resolutions for ambassadors that survive on stone are positive, emphasizing diplomatic successes. That in turn gives a one-sided picture of the realities of diplomacy in the ancient world. It would be surprising—and indeed it turns out to be quite rare—that one chooses to commemorate an embassy gone wrong. A technical exception here is instances where state representatives die in the course of duty. To hear of ambassadors actually criticized by their own *polis* or *koinon*, as are certain Theban representatives of the managers of the Isthmian games who behaved shoddily in their dealings with a commander of Macedonia ca. 118 BC[15]—well, that comes almost as startling.

But "literary evidence paints a rather different picture," as S. Elwyn has nicely articulated, "to some extent because of its different purposes." She explains: "Civic inscriptions…were intended in part to provide a record but also to glorify the state which erected them. Consequently, our epigraphic documentation tends to record, or at least imply, successful negotiations. Literary evidence not infrequently records unsuccessful [negotiations]…."[16]

Consider, almost at random, Appian's grim account of the final breakdown in diplomacy in 149 BC between the Carthaginians and

[14] *SEG* 17. 505 = *I. Eph.* III 802. See J. Matthews, *Reallexicon für Antike und Christentum* X (1978), s.v. "Gesandschaft", col. 666. For a good introduction to the prime attributes of Roman-era embassies, see A. Bash, *Ambassadors for Christ: An Exploration of Ambassadorial Language in the New Testament* (Tübingen, 1997) 38–80, with 106–107 and 132 n. 41 on the perils faced by diplomats; see also (surveying both Greek and Roman material) A. Gillett, *Envoys and Political Communication in the Late Antique West, 411–533* (Cambridge, 2003) 1–35, with 26 n. 78 for further bibliography.

[15] *RDGE* 15, especially lines 34–46 with R. Sherk's summary on p. 91: "These envoys, upon their return to Thebes, were called to account for their actions and condemned. Thereupon they won sympathizers in Thebes, took the records of the guild, and absconded"—setting up a separate guild with all the attributes of the original. This incident indeed underlines the general seriousness and difficulty of disciplining ambassadors.

[16] S. Elwyn, "Interstate Kinship and Roman Foreign Policy", *TAPhA* 123 (1993), 261–286, at 265. Though in this passage she is discussing simply the evidence for appeals to kinship by ambassadors in the Greek and Roman worlds, her comments can be applied to the contrast between ancient documentary and literary sources on diplomacy in general.

the Romans, who by now had landed in North Africa. After receiving a final, unacceptable ultimatum, namely, to relocate Carthage inland from the coast:

> Some of the [Carthaginian] ambassadors fled on the journey home, but the greater part moved on in silence. Meanwhile some of the Carthaginians were watching from the walls the return of the ambassadors, and tore their hair with impatience at their delay. Others, not waiting, ran to meet them in order to learn the news…when no one [of the ambassadors] answered they wept aloud as though certain destruction awaited them…. At the gates the crowd almost crushed the envoys, rushing upon them in such number.

When the Carthaginian senate learned that they were not even allowed to send a [further] embassy to the Romans, we are told 'they raised a loud and mournful outcry, and the people rushed in among them.' Carnage followed. 'Some stoned the ambassadors for bringing the bad news and others dragged them through the city'.[17]

That is a particularly dramatic instance of an embassy gone wrong; Diodorus[18] contains a similar example. These instances are hardly the type for any community to commemorate epigraphically, at least as we get them here, though obviously the psychological aspects of such scenes offered all sorts of literary possibilities.

As it happens, the Appian and Diodorus passages found their way into the mind numbingly comprehensive Byzantine compilation commissioned in the tenth century by Constantine VII Porphyrogenitus, commonly known as the Περὶ πρέσβεων or *Excerpta de legationibus*. This collection of notable moments in ancient (especially Roman and east Roman) diplomacy sprawls across almost 600 pages in the two Teubner volumes edited by C. de Boor. The titles of its two parts—"Embassies of the Romans to foreign peoples" (here abbreviated *ELr*) and the much more extensive "Embassies of foreign peoples to the Romans" (abbreviated *ELg*)—are a bit misleading, for the *Excerpta de legationibus* (*EL*) draws on Greek authors from Herodotus and Thucydides through the sixth century AD.[19]

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[17] App. *Lib*. 78.360–92.438, esp. 90.423–92.438 V-R-G; I have used here the H. White translation in the Loeb edition.

[18] Diod. Sic. 32.6.4.

[19] C. de Boor (ed.), *Excerpta historica iussu imp. Constantini Porphyrogeniti confecta*, vol. 1: *Excerpta de legationibus*, pts. 1–2 (Berlin, 1903); see ix–xiv for the manuscript evidence on

The importance of the *De legationibus* (which has come to us almost complete), and other Constantinian compendia, such as *De virtutibus et vitiis* and *De sententiis*, for preserving chunks of central historical authors is well known and scarcely needs underlining. For example, there are five separate books of Appian that would otherwise remain largely unknown to us—and seven Byzantine-era Greek authors.[20]

The Byzantine compilators provide virtually no commentary on the passages they have chosen, which are left to speak for themselves. Historical sequence is almost entirely lacking, and though the excerpts (where we can check) are unabridged, only sometimes do they benefit from useful context. It is disorienting that in the *De legationibus* the very first of 584 'excerpts' is a short anecdote from the sixth century Byzantine author and experienced envoy Peter the Patrician. In it he simply has the Sassanian king Shapur I learning of the plague that afflicted Valerian's empire and so sending away Roman ambassadors who were treating for peace empty handed.[21]

But this in fact raises a central point. A survey of the several hundred excerpts in this work relevant to the Republic and High Empire—gleaned from Polybius, Diodorus, Dionysius of Halicarnassus, Josephus, Appian, Dio, and (on the cusp) Dexippus—shows on a rough count that at least half of all embassies (whether Roman or foreign) in this compilation somehow go wrong. Of course one cannot attach statistical significance to this figure, for there is no pretending that the Byzantine compilators under Porphyrogenitus eschewed antiquarian, rhetorical, moral or instructional interests and took pains to come up with a representative sample of the material available to them. The general

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the titles of the two parts. In de Boor's edition, Vol. 1.1 pp. 1–227 contains the *Excerpta de legationibus Romanorum ad gentes*, while vol. 1.2 pp. 299–599 comprises the *Excerpta de legationibus gentium ad Romanos*. The abbreviations used in this paper follow those that de Boor set outs in *BZ* 21 (1912), 386 with n. 1. The Appian passage cited above in text (*Lib.*) = *ELg* 16.27 pp. 547–558, the Diodorus = *ELg* Diod. Sic. 27 pp. 404–405.

[20] The best short overview is that of P. Lemerle, *Byzantine Humanism* (Canberra, 1986 [original French publication 1971]), 323–332, with 327 n. 49 for a bibliography of some of the most important basic scholarship on this work, and 331 for a roster of authors uniquely preserved in the *Excerpta*; cf. also T. Büttner-Wobst, "Die Anlage der historischen Encyklopädie des Konstantinos Porphyrogennetos", *BZ* 15 (1906), 88–120 (quite speculative on the original organization of the *Excerpta*). Perhaps it is best not to consider the *Excerpta* an encyclopedia (thus Büttner-Wobst, Lemerle and many others), but rather a condensed *bibliotheca*: see P. Odorico, "La cultura della συλλογή", *BZ* 83 (1990), 1–21, esp. 1–8.

[21] *ELr* Petr. 1 p. 3 = *FHG* IV F 9 M. (On this passage see also below in text.) This author is one of those known to us only from the *Excerpta*.

preamble to the compilation (which presumably was shared by all 53 of the *hypotheseis*, or collections of excerpts commissioned by Constantine) in fact explicitly claims a moral and didactic purpose for this project.[22]

To speak to the question of 'significance' properly, one would really need to look at 'embassy failure rate' in non-Constantinian versus Constantinian portions of the authors in question, a task that I deem well beyond the scope of this study. But a cursory reading within the *De legationibus* of the later authors this work excerpts—Eunapius, Priscus, Socrates Scholasticus, Peter Patricius, Agathias, Procopius, Malchus of Philadelphia, Zosimus, Menander the Protector, Theophylactus Simocatta, John of Antioch, George Hamartolus—suggests an incidence of diplomatic failure similar to that seen in the collection's Republican and earlier Imperial era authors.

For a rough and ready notion of the distribution of failed embassies between the 'earlier' and 'later' historians in the *De legationibus*, let us look at a phrase such as πρεσβεία ἄπρακτος ('unsuccessful embassy') and its related formulations (e.g., references to πρέσβεις who went off or were sent off ἄπρακτοι). The expression is common enough in Classical Greek, appearing already in Thucydides,[23] and remaining in currency down through the entire Byzantine period. Other than Dexippus, each of the principal authors we are surveying here uses it (i.e., Polybius, Dionysius, Diodorus, Josephus, Appian, Cassius Dio), as do a good number of the historians of later eras who turn up in the *De legationibus* (Priscus, Peter Patricius, Procopius, Malchus, Zosimus, Menander). Now, there are 28 instances of this formulation in our work. Of these, seven references to a πρεσβεία ἄπρακτος or similar are found in our principal authors.[24] A full 19 come from the later historians.[25] And the two remaining examples come from authors who are not concerned

[22] *ELr* pp. 1–2, for which see the translation and discussion of P. Lemerle, *Byzantine Humanism*, 325–327. For what (little) is known of the compilators' working methods, see Lemerle, 329; cf. P. Schreiner, "Die Historikerhandschrift Vaticanus graecus 977: Ein Handexemplar zur Vorbereitung des Konstantinischen Exzerptenwerkes?", *Jahrb. Österr. Byz.* 37 (1987), 1–29.

[23] Thuc. 1.24.7 (= *ELg* Thuc. 1 p. 437), 2.59.2, 5.38.4.

[24] *ELr* Dion. Hal. 1 p. 8, Polyb. 23 p. 48; *ELg* Polyb. 78 p. 323, 99 p. 348, Diod. Sic. 9 p. 400, App. 12 p. 527, 19 p. 532.

[25] *ELr* Petr. Pat. 1 p. 3, Procop. 20 pp. 110 and 111, 21 pp. 114 and 115, Prisc. 3 p. 126, 6 p. 151, 11 p. 153, Malch. 1 p. 160; *ELg* Zos. 4 p. 379, Menan. 6 pp. 448 and 449, Procop. 21 p. 501, *ELg* Malch. 2 p. 570, 7 p. 582, Prisc. 14 p. 585, 18 and 19 and 20 p. 588.

with Roman affairs, Thucydides and Arrian.[26] This is just one indication that the Constantinian excerptors in their coverage of the Republican and early Imperial eras of history seem not to have focused unduly on their failures of diplomacy to the benefit of later ages.

In the (necessary) absence of a complete examination of the *corpus* of all authors featured in *De legationibus* one might proceed to examine this work from a different, admittedly impressionistic, perspective. Now, we have seen that the Constantinian compilations advertise their utilitarian aspirations, and the *De legationibus* has so many diplomatic setbacks, more or less evenly distributed across its entire chronological scope, that they take up (at least) half its space. A reader studying the work would have ample material to draw up even a taxonomy of failure—something that I hope to do here in outline.

So what does the high incidence of failure in the *De legationibus* tell us about the nature of diplomacy in the Roman era? What I aim to argue is a simple (perhaps even simplistic) point, but one that I have not seen taken up at any length. For embassies, literary historical sources naturally show a whole range of outcomes, but on examination a surprisingly large number of failures. As such, even a cursory glance at those episodic and truncated texts we find in the *De legationibus* on a limited period (the Republic and then Empire down through the third century AD) will provide a salutary supplement and corrective to the impression one gets from the cumulative force of the massive but—when it comes to diplomacy—largely one sided epigraphical record of Roman era Greece. Here my priority will simply be to report in a systematic fashion what one encounters in the *De legationibus*, so as to convey the shape of the evidence. I cannot dwell on the historical questions that arise from many (if not most) of these excerpts; in any case, here only the most basic details are of concern. Translations for the principal authors are adapted from the relevant Loeb editions.

II. *A Methodological Difficulty*

Admittedly, one thing that makes it hard to extract a general principle regarding literary versus epigraphical texts out of a mishmash such as the *De legationibus* is defining a 'successful' or 'unsuccessful' embassy.

[26] *ELg* Thuc. 1 p. 437, Arrian. 1 p. 513.

The formal reception and entertainment of envoys, which this work explicitly states at the outset is a major organizing theme,[27] show the problems well.

When a hostile people attack and wound an ambassador as he attempts to land on shore, and then plunders his party's baggage (as Polybius depicts the Ligurians doing to C. Flaminius in the mid 150s) I count that as an embassy gone wrong.[28] So too when the Romans point blank refuse a colloquy with one of their enemies.[29] The discourteous reception of embassies invariably derails diplomacy in the *De legationibus*, such as when (in a Polybian section) the Dalmatians offer no hospitality at all to the Roman ambassadors in 157 BC, refuse to listen to their demands, and even rob them of their borrowed horses—treatment which the Romans later seized upon as a pretext for war.[30] The Romans too could be thought guilty of such incivility (or worse), such as in the affair of Caesar and his attack on certain Germanic tribes while negotiations were pending, which Cato famously argued ought to result in the ritual surrender of Caesar to the enemy.[31]

Passages where one finds unevenness in the reception of multiple simultaneous embassies are hard to categorize, but usually should not imply that anything has gone wrong for the less favored. When Dio tells us that Marcus Aurelius received foreign envoys according to a hierarchy, which "varied according as the several states were worthy to receive citizenship, or freedom from taxes, or perpetual or temporary exemption from the tribute, or even to enjoy permanent support"[32]—well, that simply reflects a practical policy that has analogues in Senatorial procedure of the Republic.

Positively controlling the information available to different classes of embassies seems a different matter. For that, one can do worse than turn to a short anonymous text from the middle Byzantine period on

[27] *ELr* p. 3 ὅσους ἐδέξαντο πρέσβεις βασιλέων Ῥωμαίων ἐθνικοί, καὶ ποίῳ σχήματι τούτους ἐδέξαντο, καὶ μεθ' ὁποίας δοχῆς.

[28] *ELr* Polyb. 32 p. 58 = 33.10 B-W; cf. *ELg* Polyb. 26 pp. 267–268 = 21.39 B-W, *ELr* App. 9 p. 72 = *Iber.* 29.115–30.118 V-R-G, *ELg* App. 23 p. 535 = *Lib.* 34.143–146 V-R-G.

[29] *ELg* Polyb. 118 p. 358 = 35.2.4 B-W, *ELr* App. 7 p. 71 = *Sic.* F 6 V-R-G, *ELg* App. 2 p. 517 = *Samn.* F 4.1 V-R-G; cf. *ELr* Dio Cass. 7 p. 84 = F 57.36 B.

[30] *ELr* Polyb. 30 pp. 56–57 = 32.13 B-W, cf. *ELg* Polyb. 54 p. 302 = 27.1 B-W, *ELr* Dio Cass. 3 p. 81 = F 39.1 B.

[31] *ELg* App. 10 pp. 525–526 = *Celt.* F 18 V-R-G; full sources on the incident in *MRR* II 218.

[32] *ELg* Dio Cass. 63 p. 433 = 71.19.1 B, cf. Polyb. 13 pp. 245–246 = 21.6.4–6 B-W, 27 pp. 268–269 = 21.40 B-W.

"How envoys should be dispatched and received". Many editors prior to de Boor even took this curiosity (composed no later than the tenth century) as a second preamble to the *De legationibus*. In any case it offers some general precepts on how to manage ambassadors, both those coming and going, including this one:

> When [envoys] are sent to us, they should be received with honour and liberality, for everyone treats envoys with respect. But those serving them should be on their guard against giving away anything when they are asked questions.[33]

Ambassadors representing very distant lands or weak neighbors can be shown pretty much anything, the author admits. But envoys from more powerful nations should not be allowed to see 'our wealth nor the beauty of our women,' but rather sizeable armies, weapons in good order and the height of fortification walls. The covert gathering of intelligence was a major function of embassies in all periods, amply documented in the *De legationibus*,[34] and when ambassadors are effectively cut off by their hosts from vital information, they should be reckoned to have at least partly failed in their mission.

Related to this are the several examples in the *De legationibus* where a host receives commissioners with such ostentatious courtesy that he paradoxically causes their mission to fail. Hellenistic kings seem particularly adept at this trick. Best is a Polybian passage in this work which tells us how Antiochus IV Epiphanes mollified the senior Ti. Gracchus and his embassy during their investigative visit to Syria in 165 BC. The Seleucid king

> was so adroit and courteous when he met them that Tiberius and his colleagues, far from acquiring any real suspicion about him….even discredited those who said anything of the kind, owing to their exceedingly kind reception. For in addition to other favors the king even gave up his palace to them, and very nearly gave up his crown to them as well, as far as his demeanour went.

The upshot?

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33 On this short tract, see D. Lee and J. Shepard, "A Double Life: Placing the *Peri Presbeon*", *Byzantinoslavica* 52 (1991), 15–39, esp. 30–31 for a translation of the text (which I have used here); cf. P. Speck, "Die heutige Lektion: Gesandtschaften", *Jahrb. Österr. Byz.* 44 (1994), 361–367 (arguing that this tract is too basic in content to be anything other than a primer).

34 *ELg* Polyb. 61 pp. 307= 28.1.7 B-W, App. 26 p. 547 = *Lib.* 69.310–314 V-R-G, Diod. Sic. 31 pp. 406–407 = 33.28a.2–3 W; cf. Dio Cass. 29 p. 418 = 36.45.4–5 B for a twist.

> Tiberius Gracchus, on returning from his mission, was incapable of forming himself or stating to the Senate any opinion about [affairs in the East] further than that which he had formerly entertained when in Rome.[35]

III. *Structural Impediments to Dialogue*

Charming and thus disarming ambassadors was part of the repertoire of ancient power diplomacy, a practice not unknown to the Romans.[36] Instances where envoys are seduced by the formal aspects of their reception clearly must count as embassies gone wrong.

But that is a subtle and sophisticated way to make people go away empty handed. For our chosen period, far more instances of diplomatic failure in the *De legationibus* stem simply from various structural impediments to effective interstate dialogue. There are three embassy-skewing factors that I would like to single out for particular mention: (a) logistical, financial and actuarial realities, (b) expectations regarding status and protocol, and especially (c) the ubiquity of counter-embassies.

IIIa. It would be tedious to review all that the *De legationibus* has to offer on contemporary realities undermining diplomatic efforts. Sometimes it had to do with simple timing. In the earlier second century we find Greek states abandoning embassies in mid-stream or even before they start, such as when an Aetolian ambassador finds that Roman military movements have made his mission useless,[37] or when an Achaean commission (one that included the young Polybius) learns that the object of its embassy had been poisoned.[38] Then there are the diplomats who deliver their message too late, which naturally could have political consequences. In a way, that is what happened to a Rhodian mission to Rome that aimed to arrange an end to the war with Perseus—but on arrival found it already ended. According to Polybius, the Senate seized upon this to make an example of the Rhodians, who were told that they were two years too late and sent off with no reply.[39] In a later period,

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[35] *ELg* Polyb. 87 p. 333 = 30.27 B-W and 90 p. 334 = 30.30.7–8 B-W.

[36] *ELg* App. 7 pp. 524–525 = *Celt.* F 13 V-R-G.

[37] *ELg* Polyb. 20 pp. 261 = 21.26.18–19 B-W.

[38] *ELg* Polyb. 47 pp. 295–296 = 24.6 B-W; cf. *ELr* App. 10 p. 72 = *Lib.* 105.496–497 V-R-G.

[39] *ELg* Polyb. 76 p. 320 = 29.19 B-W.

one thinks of the emperor Tiberius sarcastically expressing belated condolences to a tardy embassy from Ilium for the death of Hector.[40]

The most basic physical hardships of performing diplomacy are not as fully attested in the *De legationibus* as in the epigraphic evidence. Still, an extract from Polybius reminds us[41] that to do business with the Illyrian king meant to suffer, for one had to journey over exceedingly harsh terrain. And the high profile of ambassadors on the move, not to mention their habit of carting around valuable official gifts both to and from their destination, naturally made them vulnerable to attacks by pirates on the high seas[42] as well as by brigands on desert roads.[43] Ambassadors might even face capture and ransom by hostile third party states.[44] In the Second Punic War that happened to the Carthaginian and Macedonian ambassadors who were traveling together to seal a pact between Hannibal and Philip. They fell across a Roman trireme and soon found themselves hauled to Rome, an incident that is said to have triggered the First Macedonian War.[45]

To do business with the Romans of the later Republic in many cases must also have involved suffering, if there was the necessity of traveling to Italy by sea. The loudest collective groan among Rome's overseas friends and allies may well have gone up in 153 BC. For that was the year when the start of the consular calendar was pushed back from 15 March to 1 January, where it remained down to Caesar's reform of the calendar and beyond.[46] The ideal time for the Senate to hear foreign embassies was when both consuls were present, a fact that must have informed the statute which fixed February as the month for these audiences (139 or 67, under a *lex Gabinia*). February was hardly the best sailing weather, a situation that will have obtained even when (as may often have happened) there was serious discrepancy between the civil and solar years.[47]

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[40] Suet. *Tib.* 52.
[41] *ELg* Polyb. 64 p. 309 = 28.8.1–4 B-W.
[42] *ELg* Polyb. 40 p. 289 = 23.6 B-W.
[43] *ELg* App. 29 p. 559 = *Numid.* F 5.
[44] *ELg* Polyb. 20 pp. 260–261 = 21.26.7 B-W; 59 pp. 306–307 = 27.14 B-W.
[45] *ELg* App. 30 pp. 559–560 = *Maced.* F 1 V-R-G.
[46] For discussion of this reform, see T.C. Brennan, "Notes on Praetors in Spain in the Mid-second Century BC", *Emerita* 63 (1995), 47–76, at 53 n. 22.
[47] Little is known about the relationship between the Roman civil year and the solar year after 168 BC (see Brennan, "Notes on Praetors in Spain", 53 n. 22), but note for instance Caes. *B Civ.* 3. 6 with 9 and 25, where 4 January 48 BC corresponds to early November of the previous year.

In actual Republican practice, it appears foreign emissaries might arrive in the city well before their expected session to lobby individual senators for support.[48] And whether by choice or necessity, they might linger in Italy after their presentation too, to wait for decent sailing weather—or watch out for counter-diplomacy by political rivals.[49] Extra time on either side of one's Senate audience meant further financial outlay, or worse. The Rhodian ambassador Theaedetus argued before the Senate in 167 BC in favor of an alliance. 'The Senate, however, deferred their decision,' says a Polybian extract, 'and Theaedetus in the meantime died a natural death, being over eighty years in age.'[50]

IIIb. At least old Theaedetus received an audience with the Senate, and the expectation of a second one. In the *De legationibus* we constantly see non-substantive factors affecting access to and success in negotiations. Youth and physical appearance are one thing;[51] histrionic appeals to pity are another. Take Prusias of Bithynia in 167 BC. This king met Roman ambassadors at his own court sporting a shorn head and the outfit of a manumitted slave, and later representing himself at Rome kissed the threshold of the Curia and hailed the Senators as gods and his preservers. It turns out he received what he wanted. This mode of treating in the Senate must be counted as a technical success, though it struck Polybius and subsequent Greek writers as contemptible.[52]

In the compendium suppliants are expected to act the part. When the Pontic general Archelaus begs Sulla to send him to Mithridates to negotiate terms in 85, he promises success or his own suicide, according to Dio.[53] Even in Josephus' laudatory account of Herod refusing to excuse his support of Antony to Augustus—an affect quite unparalleled in the compilation—the king still removes his diadem. Unsurprisingly, the *De legationibus* also offers much on how foreign ambassadors exploited pre-existing personal ties at Rome or attempted to forge new ones, including through bribery—with Roman money-lenders even

[48] Explicit at *ELg* Polyb. 51 p. 300 = 25.4.1–5 B-W; cf. App. 4 p. 523 = *Samn.* F 11 V-R-G for approaches through senatorial women.

[49] *ELg* Polyb. 79 pp. 325–327 = 30.4.1–14 B-W.

[50] *ELg* Polyb. 85 p. 332 = 30.21.1–2 B-W.

[51] Cf. *ELg* Dio Cass. 52 p. 430 = 68.21.

[52] *ELg* Polyb. 83 p. 330 = 30.18 B-W; cf. *ELr* Diod. Sic. 1 p. 80 = 31.15.2–3 W, *ELg* Dio Cass. 15 p. 414 = F 69 B.

[53] *ELg* Dio Cass. 25 pp. 416–417 = Plut. *Sull.* 23.3–5.

supplying the cash.[54] This theme does not require detailed demonstration.

One attribute of the Polybian excerpts that does seem striking is that many of the speeches said to have been delivered by foreign envoys in the Senate do not seem to impact the Roman decision making process at all.[55] Rather, what matters are the recommendations of members of the Senate's own investigative embassies. Typical is the aftermath of the report of Q. Marcius Philippus in 182 BC on the state of affairs in mainland Greece:

> the Senate no longer required further debate; but summoning the envoys from the Peloponnesus and Macedonia, listened, it is true, to their speeches, but drew up their reply not with reference to the arguments of the envoys, but in accordance with the report of Marcius.[56]

Our interest here is in failure, and for all the allusions to lobbying and the exercise of personal influence and irrelevant speechifying, the *De legationibus* also reminds us how difficult it could be just to get one's foot across the Curia threshold. Prusias of Bithynia, it will be remembered, felt he had to put his lips down there first. Lavish diplomatic gifts did not guarantee success. The Seleucid pretender Tryphon learned that when, hoping for the Senate's recognition, he sent envoys to Rome toting a statue of Victory worth 10,000 gold staters. The Senate accepted the gift, but changed its base to commemorate the young Antiochus VI, whom he had assassinated in 143 BC.[57] Plus the Senate was free to ignore friendly delegations, or even ban their visits, as it did for example when in 167 BC it prohibited all kings from Rome to keep just one of them away.[58]

As far as Rome's enemies are concerned, the practice of treating with their embassies outside the walls is well known, and crops up frequently enough in these *Excerpta*. Here Dio seems sensitive to the demeaning conditions of these colloquies. He depicts an envoy of Hannibal's storming away rather than negotiate from this inferior standpoint on an exchange of prisoners.[59] The Romans, resourceful as ever, even seem

[54] Cf. *ELg* Dio Cass. 28 pp. 417–418 = F 111 B.

[55] Cf. *ELg* Polyb. 98 pp. 341–342 = 31.11.10–12 B-W.

[56] *ELg* Polyb. 42 p. 290 = 23.9.4–5 B-W; see also 44 pp. 293–294 = 24.1 B-W, 94 pp. 338–339 = 31.3 B-W, 100 p. 348 = 31.20.1–4 B-W, 104 p. 350 = 32.1 B-W.

[57] *ELg* Diod. Sic. 30 p. 406 = 33.28a.1 W.

[58] Senate ignores delegation: *ELg* Polyb. 98 pp. 341–342 = 31.11.10–12 B-W. Senate bans kings: Polyb. 83 pp. 330–331 = 30.19.1–13 B-W.

[59] *ELr* Dio Cass. 7 p. 84 = F 57.36 B.

to have found a way to transfer this institution to the field. An Appian passage states that when the Roman consuls of 149 BC treated with the Carthaginian envoys at Utica, they sat on a tribunal in the midst of the army. The Carthaginians had to address them from behind a rope.[60]

In an extract on the Mancinus affair of the mid 130s BC, Dio in effect gives notice of a hybrid type of ambassadorial reception, meant to lessen the chance of diplomatic failure. The excerpt states:[61]

> The Romans received the Numantine ambassadors, on their arrival, outside the walls, in order that their reception might not seem to imply a ratification of the truce. However, they sent gifts of friendship, since they did not wish to deprive them as yet of the hope of coming to terms.

IIIc. The Numantines had come to Rome to argue for Mancinus in one of the most heated domestic disputes of the middle Republic. The *De legationibus* quite vividly emphasizes how all-pervasive were the agonistic attributes of conducting diplomacy, whether the framework was provided by Greek-speaking polities, the Roman Senate, or Roman officials in the field. I should think that no factor increased the general volatility of ancient diplomacy and contributed to its high failure rate as much as the prevalence of counter-embassies.

In the middle Republic the most feverish diplomatic activity at Rome is found especially—but certainly not exclusively—after the conclusion of major wars and the like. Consider Polybius on the year 184 BC:

> '…so large a number of embassies from Greece were assembled in Rome as had, perhaps, never been previously seen…all those on the frontier of Macedonia had come, some individually and some representing cities or tribal groups…For from Thessaly there was one general embassy and particular ones from each town, and there were also embassies from Perrhaebia, Athamania, Epirus, and Illyria…So that on the whole the various accusations resulted in a confused and inextricable imbroglio ….' (Three days' worth, we are told.) 'Then there were introduced ambassadors from the Lacedaimonians. Of these there were four sets', each representing a faction of the city.[62]

Inevitably, in situations where even individual peoples might have competitive representation not everyone could return home a winner, and external factors often intruded. Notoriously, in the period between the

[60] *ELg* App. 27 p. 549 = *Lib*. 78.361–362 V-R-G.

[61] *ELg* Dio Cass. 17 p. = F 79.1 B.

[62] *ELg* Polyb. 38 pp. 284–288, esp. pp. 284–285 and 287 = 23.1–4 B-W, esp. 1.1–13 and 4.1.

Second and Third Punic Wars envoys of the Numidian king Massanissa and of the Carthaginians tussled repeatedly before the Senate at Rome, and as a Polybian excerpt explains it happened that "the Carthaginians always came off second best at Rome, not because they had not right on their side, but because the judges were convinced it was in their own interest to decide against them."[63]

However, one gets the general impression especially from the Polybian excerpts that it was the height of foolishness or depths of resignation to allow any adversary's embassy to a competent power to go uncontested. Quantity as well as quality of recrimination seems to have mattered. That emerges from the struggles in the early 150s over the Cappadocian throne, after the Seleucid king Demetrius drove out Ariarathes (V) and replaced him with his supposed brother Orophernes. In conferences at Rome with the consuls of 157, the pseudo-brother, represented from afar by envoys, could overpower the exiled king, though he was present in the city.

> '[the envoys] made a greater impression', says a Polybian passage, 'being many against one, and having also all the outward appearance of a prosperity that contrasted with the king's [i.e., Ariarathes'] distress.' And here is the important part for our purposes. 'And as there was no one to confute them…falsehood had no trouble in gaining the day.'[64]

IV. *Dynamics Of Talking, Answering, Returning, Reporting*

The literary sources can only hint at what must have been the dynamics of a dozen or so diplomats simultaneously converging on Rome to present competing claims regarding the same general matter, all in the hope of a definitive and favorable adjudication by an often inscrutable Senate. Of course, for overseas foreign ambassadors just to make it to the door of the Curia with their valuable official gifts intact was an accomplishment of sorts. For much of the Republican era envoys to Rome had to avoid being robbed or captured by pirates. It is conceivable that individuals in the city might laugh at their clothes, or worse.[65]

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[63] *ELg* Polyb. 101 p. 349 = 31.21.5–6 B-W.

[64] *ELg* Polyb. 108 p. 353 = 32.10 B-W, cf. 80 pp. 328–329 = 30.13.1–5 B-W, and also Dio Cass. 33 pp. 419–420 = 55.33.1–2 B for another king losing out to envoys.

[65] Cf. the notorious incident involving a Roman embassy to Tarentum in 280 BC, which the Loeb editor of Appian refused to translate in full: *ELr* App. 3 pp. 68–69 = *Samn.* F 6.1–2 V-R-G.

And it was not unknown for individuals in the city to strike ambassadors, or otherwise abuse them with the ulterior motive of provoking a war.[66]

Once admitted to a Senate meeting, foreign diplomats should have counted themselves lucky if they were allowed to speak without undue delay, without brusque interruption, in each other's presence, not in isolation from one another. A sequential format, especially in a body such as the Roman Republican Senate (where meetings were at least in principle confidential)[67] tended to encourage visiting ambassadors to attack the position of others rather than defend one's own, or even on occasion to stray from the instructions they brought from home and take an independent line.

In the Republican Senate the presiding magistrate had full latitude to introduce further procedural complications to force a desired outcome—such as prompting visiting envoys to give up on negotiations and to return home.[68] But it is the Senate's repertoire of formal responses to external petitions that more than anything made so many diplomatic efforts go wrong. That can be seen especially from the Polybian excerpts in the *De legationibus* that outline the sad story, stretching over 16 years, of the Achaean detainees in Italy, whose number included Polybius himself. There was no winning, states an excerpt from the author, even when the Achaeans had followed Roman demands to the letter.[69]

Doubtless the experience jaundiced Polybius' view of the Senate. For in the *De legationibus* excerpts that body appears as a far from creditable institution. In hearing out envoys, it can feign ignorance of matters perfectly familiar,[70] or subsequently send secret instructions to Roman commanders whom it tacitly was determined to sack anyway.[71] Its official answers can be finely parsed,[72] non-committal, or confused and thus confusing. Here one thinks especially of the case of the Lycians and Rhodians in 189/188, where after a Senate session the Lycians were under the impression that they had been granted 'freedom' and the Rhodians 'sovereignty' over that people. Accordingly, in the after-

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[66] Cf. *ELr* Dio Cass. 10 p. 85 = 42.37.2 B.
[67] Cf. *ELg* Polyb. 79 pp. 325–327 = 30.4.1–14 B-W.
[68] *ELg* App. 26 p. 546 = *Lib.* 68.309–310 V-R-G.
[69] *ELg* Polyb. 91 p. 336 = 30.32.1–11 B-W.
[70] *ELg* Polyb. 62 p. 308 = 28.2 B-W.
[71] *ELg* Polyb. 118 p. 359 = 35.3.4–6 B-W.
[72] *ELg* Polyb. 8 pp. 242–243 = 21.1 B-W.

math of this Senate decision "an embassy came from Lycia to Rhodes desiring an alliance, while the Rhodians on their part had elected certain of their citizens to go to Lycia and give orders to the several cities as to what they were to do".[73]

Sometimes, admittedly, it is not entirely the Senate's fault. In one instance in the 190s, Aetolian ambassadors surrender to the 'good faith' of the Romans, without fully understanding what is involved; to their horror they almost found themselves thrown into collars and chains.[74] On another, a *senatus consultum* in favor of a particularly effective Cretan embassy is vetoed by a tribune, and so turns into an ineffectual *senatus auctoritas*.[75]

Thorny matters are routinely deferred. When approached by an embassy the Senate could delegate the power of decision to a special *ad hoc* commission, or send it back to a commander in the field, or (at certain complex junctures) have the wonderfully flexible institution of the *decem legati* as a corporate whole or in smaller units attempt to settle a dispute on the spot. In our *Excerpta* commanders in the military sphere conversely defer difficult matters to Rome. But on one occasion we see a 'ping-pong' effect where Flamininus in the 190s sends competing embassies to Rome, only to see the Senate soon sending back the diplomatic problem to him.[76]

The Senate could answer an embassy directly, but in deliberately cryptic terms.[77] Or it might refuse to answer at all. A non-reply usually but not invariably[78] was meant as a stern rebuff. Then again, the Senate could agree to such and such a point and then simply not follow through. That is yet another way in the *De legationibus* that visiting embassies ultimately end up empty handed.

In the Republic, the harshest reply the Senate could issue to an embassy was to depart from Rome and then leave Italy within such and such a time, usually thirty days—with an injunction not to send more embassies sometimes thrown in for good measure. For a vivid description of ejection from Rome on the same day, here is Appian in the *De legationibus*. In this case the Senate has extended the order

[73] *ELg* Polyb. 33 pp. 276–277 = 22.5 B-W.
[74] *ELg* Polyb. 7 pp. 239–241 = 20.9.1–10.10 B-W.
[75] *ELg* Diod. Sic. 34 pp. 409 = 40.1 W.
[76] *ELg* App. 33 p. 561 = *Maced.* F 8 V-R-G.
[77] *ELg* Polyb. 83 p. 331 = 30.19.16–17 B-W; App. 27 pp. 547–548= *Lib.* 74.343–346 V-R-G.
[78] Cf. *ELg* Jos. 2 pp. 364–365 = *AJ* 13.259–266 N.

to cover not just Perseus' envoys but also all Macedonians resident in Rome:

> Consternation mingled with anger followed this action of the Senate, that, on a few hours' notice, so many people were compelled to depart together, who were not able to find animals in so short a time, or to carry all their goods themselves. Some, in their confusion, could not reach a lodging-place, but passed the night in the middle of the roads. Others threw themselves on the ground at the city gates with their wives and children.[79]

V. *Social and Legal Considerations and Development*

This depressing survey, if anything, goes some way toward explaining why Greek ambassadors who managed to succeed in some tangible way received the rewards they did. Taken cumulatively, the material of the *De legationibus* complements C.P. Jones's analysis of the honors for Diodoros Pasparos of Pergamum, who made his way to Rome at some point between 84 and 69 BC—an era when Mediterranean piracy was still endemic and Mithridates yet unsubdued—to represent with unexpected success his impoverished province and humbled home city. Now, it would take some effort to make a comprehensive collection of the evidence on all embassies of the Republic and high Empire, and from there try to sort out the relative incidence of 'success' or 'failure', all with the aim of properly contextualizing decrees commemorating diplomatic services. But the high incidence of failure for embassies in just the Constantinian compilation *De legationibus* alerts us to some of the more vulnerable attributes of Roman-era interstate diplomacy. There surely was an underlying reality to those conventional references in the decrees to an envoy's 'danger, suffering and expense'.

In contrast to the epigraphic evidence, the *De legationibus* itself has precious little on rewards for ambassadors—or for that matter, punishment of envoys guilty of misconduct in the course of official duties. That extends across our sources for the Roman period as a whole. It is difficult to find anything like the technical charge of *parapresbeia* so prominent in the Athenian courts of the fourth century (think of Demosthenes attacking Aeschines and Philocrates in *De Falsa Legatione*). Punishment at Rome at any rate seems to have been *ad hoc*; consider

[79] *ELg* App. 35 p. 567 = *Maced.* F 11.9 V-R-G.

the necessity of setting up the extraordinary Mamilian inquisition in 109 BC to try those who had accepted money from Jugurtha 'in legationibus aut imperiis'.[80]

To think of it, for any state to have a permanent mechanism in place to try suspect or failed envoys would have an enormously demoralizing effect on the select group of individuals who had the necessary status, financial means and rhetorical and interpersonal skills for the inexorable flow of diplomatic chores. Plus failed embassies were as much—perhaps even more—of a reflection on the sponsoring state as on the individual ambassadors. This is quite clear from a Polybian extract on Rhodian efforts to make an alliance with Rome after the Third Macedonian War. Rhodes had failed in this alliance bid before, and clearly was reluctant to incur further humiliation. And so:

> They at once voted a crown of ten thousand gold pieces to Rome, and appointing Theaedetus ambassador and navarch, sent him off in early summer accompanied by Rhodophon…. This they did with the object, in case the Romans did not consent and the decree of the crown and their embassy were a failure, of attempting to gain their end by the personal action of the navarch; for by their laws he was, as navarch, empowered to act in such matters.[81]

It would be a pity to end on a depressing note. So let me point out that the embassy portrayed as the brightest success in the earlier historical portions of the *De legationibus* is the one led by Scipio Aemilianus to Alexandria in 140 BC. As a Diodorus passage has it, Scipio and his fellow envoys reconciled parties in dispute, and those that did not admit of an easy resolution they properly referred to Senate. In general this mission is said to have greatly enhanced the leadership profile of Rome. The result? Even more diplomacy. For everyone they treated with, 'dispatched embassies to Rome to thank the Senate for dispatching men of this quality'.[82]

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80 Sall. *Iug.* 40.1.

81 *ELg* Polyb. 79 p. 327 = 30.5.4–5 B-W. This was an old device: see Bash, *Ambassadors for Christ*, 42 n. 33, citing Plut. *Lyc.* 25.4 with *Mor.* 231F.

82 *ELg* Diod. Sic. 31 pp. 406–407 = 33.28a.2–3 W.

DIPLOMACY AS PART OF THE ADMINISTRATIVE PROCESS IN THE ROMAN EMPIRE

Werner Eck

To a modern observer, the terms 'diplomacy' and 'administration' connote very different things and are connected either with difficulty or not at all. Diplomacy involves a direct personal contact between two persons or parties, while an administrative process is regarded as an impersonal procedure in which decisions are made on record and where personal contact represents no essential element in a decision.

In the Roman world the picture is completely different, as two examples from two very different regions demonstrate. On July 25th in the year 78, a delegation of the Spanish city of Sabora appeared before Vespasian in Rome and presented to him a resolution of their council. In it they sought permission to create an urban center in the plain, that they be allowed to use the name *Flavium* for the *municipium*, and that the city's tax revenues, which it had had since Augustan times, be confirmed. Vespasian permitted all this. Nevertheless, when the city asked that he allow new *vectigalia*, Vespasian refused on the grounds that he would also have to hear possible opponents of such a request (*nullo respondente*), which was not possible in Rome in the present circumstances. But if the inhabitants of Sabora wanted to pursue this matter further, then 'they should approach the proconsul about it' ('de his proco(n)s(ulem) adire debebitis').[1]

We find this same procedure, a referral to the proconsul, in a document issued in the year 135, originating from the region of Daldis in the province of Asia. It is a dossier of different texts, the most important of which is an edict from the current proconsul of Asia, T. Aurelius Fulvus Boionius Antoninus. He explains that Metras, the son of Metrodorus, and Isidorus, the son of a Isidorus, had approached ('adierunt') him 'in the name of the village of the Arhillenoi' ('nom(ine) vicanorum Arhillon') and asked for a grant of market rights for it. The proconsul

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[1] *FIRA* I^2 no. 74. I thank Claude Eilers for having undertaken the translation of this article.

granted this request, but added that if anyone wanted to file an appeal against this decision, it would have to be done within thirty days either before him or before his successor.[2]

In both cases representatives of a community—of the city Sabora and the vicus of the Arhillenoi—appeared before someone who could in their opinion make administrative decisions: in one case the emperor, in the other, the proconsul. At least in the case of Sabora, the *legati* of the city had been given a written request that they had delivered personally to the emperor. In the case of the Arhillenoi, the proconsular edict does not make clear whether their representatives had also delivered a written request to the proconsul, but this is very likely. We have a similar request for the establishment of a market from the year 209, also in the province of Asia, which was made before the proconsul Q. Caecilius Secundus Servilianus. The applicants, whose spokesman was a certain Dionysius, presented a *libellus* with a written justification for the request, which was ultimately attached to the published version of the decision.[3] We should therefore assume that the Arhillenoi had also delivered a written text to the proconsul.

There is nothing unusual about either of these two cases. On the contrary, what we find is a completely normal process, through which a decision in an administrative proceeding was reached by the emperor or a provincial governor. The process encompasses first the appearance of representatives of a larger group of people—a city or a village—before the agents of civil power, then the delivery of a document in which the facts are laid out, and finally a decision. This decision could be given to the applicants either directly in the form of a letter, as it occurred in the case of Sabora four days after the hearing before Vespasian on July 29th, or through the issuing of an edict, as Aurelius Antoninus did in the case of the Arhillenoi.

These observations are naturally not new; on the contrary, this has all been known for a long time and has often discussed in the scholarly literature. Embassies to the emperors are often mentioned in documents.[4] In many embassies, perhaps even in most of them, the diplo-

[2] *SEG* 44, 977 = *AE* 1994, 1645.

[3] J. Nollé, *Nundinas instituere et habere: epigraphische Zeugnisse zur Einrichtung und Gestaltung von ländlichen Märkten in Afrika und in der Provinz Asia* (Hildesheim, 1982), 12–13.

[4] See esp. J.H. Oliver, *Greek Constitutions of Early Roman Emperors from Inscriptions and Papyri* (Memoirs of the American Philosophical Society, 178; Philadelphia, 1989); another very important letter from Aphrodisias in *AE* 2000, 1441. Finally, see the paper

matic nature of the affair steps rather clearly to the foreground. Countless documents show that the purpose of these embassies, at least according to external appearances, was ceremonial. Embassies came in large numbers especially at the beginning of a new regime in order to bring congratulations from a city to the new emperor,[5] but something similar also occurred on special occasions for the imperial house such as weddings, births, or an outstanding victory in war.[6] In the relevant documents, especially imperial letters of reply, specific statements about why single decisions were made are relatively rare. All this strengthens the impression that this was a ritual in which little real substance was involved, unless one recalls that it was the ritual itself that was the essential point—a point that would be thoroughly justified.[7]

But we must ask here whether this feature, which is emphasized by the nature of our documentation, is not in reality only one part—even if an important one—of the diplomatic traffic that was carried out with the help of embassies in the early and high empire. We must also consider whether in reality most of these embassies had highly specific tasks that by definition concerned administrative issues—decisions of a superior authority in relation to subordinates, in this case especially in relation to cities or larger social groups such as villages or athletic associations, *collegia* and similar groups. We must also ask to whom such

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of C. Habicht, "Zum Gesandtschaftsverkehr griechischer Gemeinden mit römischen Instanzen während der Kaiserzeit", *Archaiognosia* 11 (2001/2), 11–28. (I thank Rudolf Haensch for the reference). Habicht collects the rich epigraphical material from the Greek East as far as it does not involve imperial *constitutiones* (see also the list of embassies, pp. 23–27), which therefore does not need full exploration here. A highly telling example: *AE* 1916, 120 = *I. Sinope* 102: "sent as envoy four times by the *colonia* to the city (of Rome) without subsidy, once to the Divine Hadrian and three times to the best and greatest Caesar who has been twice acclaimed as *imperator*, Caesar T. Aelius Hadrianus Antoninus Augustus Pius" ("IIII misso legato a colonia in urbem sine viatico semel quidem ad Divom Hadrianum III autem ad optimum maximumque bis imp(eratorem) Caesar(em) T. Aelium Hadrianum Antoninum Aug. Pium").

[5] See, e.g. Oliver, *Greek Constitutions*, no. 18 to Caligula; no. 58B to Hadrian; *MAMA* VI 3 und *I. Magnesia am Mäander* 180 to Lucius Caesar.

[6] *I. Smyrna* 600 from the year 158 celebrating the birth of a son to Marcus Aurelius.

[7] See Habicht, "Zum Gesandtschaftsverkehr", 19–22. Habicht, p. 21, assumes that cases where there is no clear statement of mention of an embassy's success were failures; this seems less certain. Often the point of the exchange was diplomatic, and there was no specific result to be mentioned.

embassies addressed themselves and how frequently they were made on all levels.

Most of the evidence about concrete embassies comes from the eastern parts of the empire. A very large number relates to *presbeiai* that had approached the emperor.[8] The reason that we know of so many of them is in itself not an insignificant point—it is because the performance of such embassies bestowed high prestige on those who undertook them. The documents that we possess consist especially of letters that mention the name of such envoys. When these documents had been issued by the emperor, there was a substantial incentive to make such texts public in permanent form. Every former envoy could use them to demonstrate to the public that it was him who had spoken with the emperor. The rest of the content was on the whole not so important, as long as the decision was generally positive. By contrast, we can safely assume that any text that reported a decision that was unwelcome to the recipients—or perhaps even directed against them—would not be published in permanent form. The one-sided nature of our documentation depends in a large part on this.[9] The other way in which embassies in the east are documented is when such services are mentioned in someone's *cursus honorum*. In many such cases, any report of the precise task that he had fulfilled, for example, is missing, or at least the contents are often communicated very generally.[10] A concrete report about the purpose of an embassy is found in an inscription from Thyateira that mentions that an envoy, a famous athlete, had won permission from Elagabalus for his home city to hold an iselas-

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[8] See esp. F. Millar, *Emperor*, 375–385, 410–420; G. Ziethen, *Gesandte vor Kaiser und Senat: Studien zum römischen Gesandschaftswesen zwischen 30 v. Chr. und 117 n. Chr* (St. Katharinen, 1994), with a collection of individual cases: pp. 195–263 (the book is on the whole highly problematic); further Habicht, "Zum Gesandtschaftsverkehr".

[9] W. Eck, "Documenti amministrativi: Pubblicazione e mezzo di autorappresentazione", in G. Paci (ed.), *Epigrafia romana in area adriatica: actes de la IXe Rencontre franco-italienne sur l'épigraphie du monde romain (Macerata, 10–11 novembre 1995)* (Pisa, 1998), 343–366 = W. Eck, "Administrative Dokumente: Publikation und Mittel der Selbstdarstellung", in W. Eck, *Die Verwaltung des römischen Reiches in der Hohen Kaiserzeit: Ausgewählte und erweiterte Beiträge*, ed. R. Frei-Stolba and M.A. Speidel (Basel, 1998), 357–387; W. Eck, "Zur Einleitung. Römische Provinzialadministration und die Erkenntnismöglichkeiten der epigraphischen Überlieferung", in W. Eck and E. Müller-Luckner (eds.), *Lokale Autonomie und römische Ordnungsmacht in den kaiserzeitlichen Provinzen vom 1. bis 3. Jahrhundert* (Schriften des Historischen Kollegs: Kolloquien, 42; Munich, 1999), 1–15.

[10] See, e.g., *I. Eph.* III 728: περὶ τῶν μεγίστων, or *I. Eph.* III 802: ὑπὲρ … τῶν λοιπῶν δικαίων.

tic contest;[11] elsewhere the issue is (e.g.) the grant of temple guardianship.[12]

In contrast to this, the direct evidence for embassies to governors or to other Roman officials is numerically quite small even in the east, though it must be stressed here that this aspect of imperial administration has (surprisingly) not been fully treated anywhere—even the evidence has not been systematically collected yet.[13] First, documents that record the result of such embassies to governors have survived only in small numbers. Most of the surviving evidence comes from the tomb of Opramoas from Oinoanda in Lycia, where it is again clear that we have letters characterized by purely diplomatic contents that does not concern itself with tangible administrative decisions.[14] Still, embassies to the *hegemones* are often mentioned, too. A text from Kibyra illustrates this well: a local *honoratus* was to be an envoy to the emperors, but still undertook most of his other embassies to the *hegemones*.[15] In this case it is completely clear—although the reason for this emphasis is not apparent—that the embassies in which this man was involved were going predominantly to governors. Similar texts can be

[11] *AE* 1999, 1529. For other examples, see Habicht, "Zum Gesandtschaftsverkehr". Somewhat more frequent are the specific successes of an envoy, among which are to be found very few pieces of evidence from the west. See, e.g., the success of M. Valerius Bostaris f(ilius) Severus from Volubilis before Claudius, *AE* 1916, 42 = *FIRA* I² no. 70 = *IAM* II 448.

[12] *I. Eph.* III 781; *AE* 1900, 131.

[13] A collection of the relevant sources up to the year 1984 can be found in the unpublished dissertation of G.A. Souris, *Studies in Provincial Diplomacy under the Principate* (Diss. Cambridge, 1984). I thank Dr. Souris for being able to see his work. Cf. also the (incompletely) collected source material in *Diz. Epigr.* IV 512ff. The material from the east, excluding imperial letters, has now been brought together by Habicht, "Zum Gesandtschaftsverkehr", 14–15. For the west that is still lacking.

[14] See now the edition of C. Kokkinia, *Die Opramoas-Inschrift von Rhodiapolis: Euergetismus und soziale Elite in Lykien* (Antiquitas. Reihe 3, Abhandlungen zur Vor- und Frühgeschichte, zur klassischen und provinzial-römischen Archäologie und zur Geschichte des Altertums, 40; Bonn, 2000). Only occasionally are references made there to embassies; see, e.g., 27 paragraph IV F; 31 VI A; 35 VII E (to the emperor, there are other references to the emperor); etc. Most requests could not have arrived in the hands of governors (or procurators) except through embassies. A simple letter courier would not have been appropriate. From a certain point the decrees must have been communicated to Antoninus Pius through the governor, who will have forwarded them through a courier, but this has not itself influenced the kind of communication in the provinces. Only governors' edicts outside of Egypt are collected by E. Meyer-Zwiffelhofer, *Πολιτικῶς ἄρχειν: Zum Regierungsstil der senatorischen Statthalter in den kaiserzeitlichen griechischen Provinzen* (Stuttgart, 2002), 342–343.

[15] *AE* 1998, 1377.

found elsewhere—for instance from Xanthos or Cyzicus or Apamea in Syria.[16]

If one compares the total number of reports from the east with those from the west, including Italy, the difference is surprisingly large.[17] Concrete data showing that *legati* from cities of Italy or the western provinces approached the emperors or office-holders of the provinces are extremely rare. From Italy, we know in total only nine cases of *legati* who contacted the emperor in Rome;[18] from the Spanish provinces only six persons are known who undertook *legationes gratuitae*.[19] The situation in North Africa is similar.

If we were to judge from these direct results, we might conclude that in the west embassies played a much smaller role than in the east—which would be extremely surprising. The results cannot simply be accepted at face value, however. That the form of documentation for imperial letters and embassies to the emperors that we know so well from the east also existed in the west can be seen, for example, in letters from Domitian to the inhabitants of Falerii, from Titus to the city Munigua in Baetica, or from Antoninus Pius to Obulcula, also in Baetica.[20] But the fact that such imperial letters are rare in our extant sources does not mean that this form of diplomatic traffic did not also exist in the west with the same intensity as in the east. The epigraphic culture of the west and the east is substantially different especially for the phenomenon under consideration here, and it influences our evidence in ways that are far more important than is generally assumed.

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[16] A. Balland, *Inscriptions d'époque impériale du Létôon* (Fouilles de Xanthos, 7; Paris, 1981), 240 no. 75; *SEG* 28, 953; *AE* 1976, 678.

[17] Cf., e.g., the list of embassies about which something can be said regarding the number of *legati*, at G.A. Souris, "The Size of Provincial Embassies to the Emperor under the Principate", *ZPE* 48 (1982), 235–244: from a total of 93 examples, only four come from the west.

[18] *CIL* V 5894 = *ILS* 6732: *quinqu(ies) gratuit(o) legation(ibus) urbic(is) et peregrin(is) pro rep(ublica) sua functus*; IX 4976, 5420; X 3725, 4658 = *ILS* 6300; XI 1421 = *ILS* 140; XI 2633 = *ILS* 6597; *AE* 1959, 254. *CIL* XI 1420 = *ILS* 139 also mentions *legati* who should soon be sent to Augustus. Whether *CIL* V 3937 and IX 3856 refer to civic envoys is uncertain. For individual envoys mentioned in literary sources, cf. Fronto, *Ad am.* 2. 7. 8f. and Agennius Urbicus p. 41 (Th.).

[19] See M. Navarro Caballero, "Dépenses publiques des notables des cités en Hispania citerior", *REA* 99 (1997), 109–140 = *AE* 1997, 852.

[20] *FIRA* I[2] no. 75; *AE* 1962, 288; W. Eck, "Ein Brief des Antoninus Pius an eine baetische Gemeinde", in F. Heidermanns (ed.), *Sprachen und Schriften des antiken Mittelmeerraums: Festschrift für Jürgen Untermann zum 65. Geburtstag* (Innsbruck, 1993), 63–74 = W. Eck, *Die Verwaltung des römischen Reiches*, 347ff.

While imperial letters in the east, as far as they were published, were almost always engraved on stone, in the west they were almost as exclusively engraved on bronze. Bronze plaques, however, were already being reused in late antiquity—i.e. melted down especially—and this continued to a still greater extent in post-antique times.[21] Since imperial letters were almost all set up in public, they rarely escaped destruction. This public display contributed substantially to the later destruction, as another type of document shows. We know, particularly from Italy and Spain, so-called *tabulae patronatus*, which were also manufactured from bronze.[22] In contrast to imperial letters these were not publicly accessible, but were rather displayed within houses and thus were more successful in escaping re-use. When such houses were destroyed by violence, the *tabulae* in some cases were protected in the rubble of the buildings and thus survived in larger numbers into modern times.

In addition, in contrast to the east, references to the completion of embassies are missing from western inscriptions that record the *cursus honorum* of local notables, with the exception of the few documents already noted. The formulation of most of these few texts shows, however, why in these cases a report of an embassy was provided at all: these deal almost exclusively with so-called *legationes gratuitae*, embassies in which the concerned persons not only undertook the journey and the negotiations with the emperor, but also paid the costs of their own travel.[23] This is why these *legationes* were mentioned at all—the service lay *not simply* in the performance of an embassy, but in the fact that someone was willing to act in ways that went beyond what was expected (as we shall see in what follows): they were ready to perform such a service for their community and were even willing to take

[21] The choice of material also affects the chances of survival, as we can see, for example, with statues. In Caesarea, statues of divinities and mythological figures in marble are well preserved, even if mostly fragmentarily. Similar fragments of *honorific* statues are lacking, however, although inscriptions prove that they existed in very large numbers. This leads to the conclusion that these statues were predominantly made not of marble, but of bronze, which were then reused in late Antiquity. See W. Eck, "Statues and Inscriptions in Iudaea/Syria Palaestina", in Y.Z. Eliav, E.A. Friedland, S. Herbert (eds.), *The Sculptural Environment of the Roman Near East: Reflections on Culture, Ideology, and Power* (Interdisciplinary Studies in Ancient Culture and Religion 9; Leuven, 2008) (forthcoming).

[22] See the collection of documents for Spain in J. Nicols, "Tabulae patronatus: A Study of the Agreement between Patron and Client-community", *ANRW* II 13 (1980), esp. 560–561.

[23] On this phenomenon in the east, see yet again Habicht, "Zum Gesandtschaftsverkehr", 17–18.

upon themselves the costs of that service, costs that normally somebody else—namely, the community that sent them—would have had to pay.

The general rule was that the costs of such travel were assumed by the community, as is already well known from different sources. It is found, for example, in the opinions of jurists when these have been incorporated into the Digest.[24] A general legal basis is attested, however, for the first time in the Lex Irnitana, where in chapter 46 we find:

> R(ubrica) quantum legatis detur. legatis singulis diariorum nomine IIvir tantum dato quantum dandum esse decuriones conscripti{s}ve censuerint.

> Rubric. How much may be given to envoys. A duumvir is to give to each envoy under the heading of daily expenses as much as the decuriones or conscripti decided was to be given.

Similar information is found in some imperial letters in the east, where it is often reported that envoys are entitled to receive a *viaticum* (or a *ephodion*), as long as they had not promised the contrary.[25]

Still more important for our discussion of the frequency of the embassies in the west, however, are other regulations of the *Lex Irnitana*. In chapter 44 of the *lex* it is enacted that the first *IIviri* of the *municipium*, who were selected according to the requirements of the law, should divide the decurions into three *decuriae* from which future envoys should be chosen.[26] While the *Lex Ursonensis* had only required that the *IIviri* should turn to the council of decurions for the appointment of *legati*, in this city charter from Flavian times a strict formal procedure is laid out. The *IIviri* are to distribute all decurions who are younger than 60 years as evenly as possible into three *decuriae*. Then the lot determines the order in which the individual *decuriae* are to supply the necessary envoys and the order in which the individual members of each *decuriae* should

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[24] See the whole chapter 7 of Book 50 of the Digest: *De legationibus*.

[25] See, e.g., Oliver, *Greek Constitutions*, nos. 79, 111, 113, 124, 156; cf. Habicht, "Zum Gesandtschaftsverkehr", 17–18.

[26] "R(ubrica) de decurionibus distribuendis in tres decurias quae legationibus invicem fungantur IIviri qui in eo municipio post ha(n)c lege(m) primi erunt item qui quoque anno quo novam distributionem eorum qui ex hac lege munere legationum obeu{a}ndarum fungantur fieri oportebit iure dicundo prae(e)runt ambo alterve primo quoque tempore decuriones conscriptosve qui minores quam LX annorum erunt quam maxime aequaliter in tres decurias distribuito earumq(ue) decur[i]arum quique in is erunt sortitionem facito quo ordine quaeque decuria et quo ordine ii qui in quaque decuria erunt munere legationis fundantur quoque ordine sorte exierunt decuriae quique in is erunt eo ordine deinde in orbem donec alia distributio ex h(ac) l(ege) fiat munus legationis obeunto."

undertake these assignments. This suggests that experience had been gained since the formulation of the *Lex Ursonensis*—that embassies were not simply undertaken, but that complaints had arisen over unequal burdens. This makes the best sense, however, if the impact of these assignments on individuals were not merely hypothetical, but often affected all members of the council. This again implies that these assignments arose regularly and were not merely sporadic. This is why it became necessary to introduce formal rules: in order to avoid a constantly recurring controversy. Embassies were a *munus* to be fulfilled, not an *honos* to be gladly undertaken. The clearest sign of this is found in the rules covering excuses, which were formulated in the same way.[27]

This also surely explains why in the western provinces, where civic organization was arranged according to Roman rules, such embassies rarely appear in the *cursus honorum* of municipal *honorati*, except again in the exceptional cases of the *legationes gratuitae* already mentioned.[28]

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[27] See ch. 45: "R(ubrica) de legatis mittendis excusationibusque accipiendis cum legatum unum pluresve rei communis municipum municipi(i) Flavi Irnitani causa aliquo mitti opus erit tum IIvir qui iure dicundo praeerit de [le]gatis mittendis at decuriones conscriptosve referto cum ita relatum erit quod legatos quoque quamque in re(m) mittendos decuriones conscriptive censuerint tot legatos eo in eamq(ue) rem mittito legato{s}que eos qui tum munere legationis vice sua fungi debebunt dum ne quem mittat legatve qui tum aut proximo anno in eo municipio IIvir aedilis quaestorve sit fuerit neque IIviratus acti aedilitatis quaes[tur]aeve actae rationem reddiderit et adprobaverit decurioni[bu]s conscriptisve eius municipii quive pecuniam quae communis municipum eius municipii esset penes se habuerit quive rationes negoti[ave] communia municipum eius municipi(i) gesserit tractaverit neque dum eam pecuniam rettulerit in commune municipum eius municipi(i) rationesve reddiderit adprobaverit decurionibus conscriptisve cui(ve) quibusve de iis rebus accipiendis cognoscendis ex d(ecreto) d(ecurionum) conscriptorumve quod decretum factum erit cum eorum partes non minus quam duae tertiae adessent negotium datum erit nisi uti{r} eorum quis mittatur legetur omnium decurionum conscriptorumve non minus quam duae tertiae partes censuerint qui hac lege legatus erit is nisi ei{i}us excusationem decuriones conscriptive acceperint aut iuraverit coram decurionibus conscriptisve per Iovem et divom Aug(ustum) et divom C[l]audium Augustum {et divum Claudium} et divum Vespasianum Aug(ustum) et divum Titum Aug(ustum) et Genium Imp(eratoris) Caesaris Domitiani Aug(usti) deosq(ue) Penatis se annorum LX maior(em)ve esse aut sibi morbum causam [esse] quominus eam legationem obire possit eam legationem obito aut vicarium arbitratu decurionum conscriptorumve ex eo ordine dato qui eam legationem obeat dum ne eum det qui eius legationis munus suo nomine obire debeat qui ita neque legationem obierit sciens d(olo) m(alo) neque vicarium ex hac lege dederit qui pro se eam legationem obeat neque iuraverit ut s(upra) s(criptum) est neque excusationem suam decurionibus conscriptisve atprobaverit HS XX (milia) nummorum municipibus eius municipii d(are) d(amnas) esto eiusque pecuniae de que ea pecunia municipi{i} eius municipii qui volet quique(!) per hanc legem licebit actio petitio persecutio esto."

[28] See above n. 18.

Under these conditions the epigraphic tradition in the west cannot reflect the phenomenon in the same way as in the east. In any case the full reality is not to be found in inscriptions—a point that has not always been fully appreciated.

It is reflected far more clearly in the legal rules of the *Lex Irnitana* and in the requirements that arose especially for the cities in the west in rather similar, if not quite identical, ways as in the east. Ceremonial embassies, which dominate the documentation of the east, especially in the official letters of the emperors, were in all probability also performed in the west in similar manner and frequency. It is sufficient here to refer to the *tabula Siarensis*, where we learn that on the occasion of the death and the funeral of Germanicus at the end of A.D. 19 or the beginning of 20, countless embassies had come from Italy and the provinces to Rome. That detail can be deduced from the fact that the senate assigns to the consuls the job of ensuring that municipal office-holders or envoys would transmit the resolutions of the senate to their home-cities, both in Italy and in the provinces:[29]

> consules… iuberent mag(istratus) et legatos municipiorum et coloniarum descriptum mittere in municipia et colonias Italiae et in eas colonias quae essent in provinciis….
>
> The consuls ordered the magistrates and the envoys of the *municipia* and colonies to send a transcript to the *municipia* and colonies of Italy and to the colonies which are in the provinces….

Something similar had been the case after the death and the funeral for Gaius Caesar in the year 2 A.D.[30] We hear of such embassies in these cases that concern the *domus Augusta* because of the importance of these incidents for the political system and the unusual epigraphical tradition resulting from it.[31] Under normal circumstances, however, embassies of cities were so unexceptional that they needed no further mention.

We can safely assume, then, that from the first to the third century there was no essential difference between the east and the west in the frequency with which embassies were dispatched.

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[29] *AE* 1984, 508 II col. b, l. 24 ff. = Á. Sánchez-Ostiz Gutiérrez, *Tabula Siarensis: edición, traducción y comentario* (Colección Mundo antiguo, n.s. 4; Pamplona, 1999), 68.

[30] *ILS* 139, 140.

[31] On this exceptional situation, see W. Eck, A. Caballos, and F. Fernández, *Das Senatus consultum de Cn. Pisone patre* (Vestigia, 48; Munich, 1996), 279 ff.

In our documents from Augustus onwards, embassies that approached the *princeps* preponderate.[32] The senate is also mentioned sometimes, but these notices are especially found in literary sources and quite often in connection with accusations against senatorial or equestrian office-holders in the provinces.[33] To judge from the directly relevant sources, envoys only rarely approached other officials, most frequently again governors, and hardly ever procurators or functionaries who exercised their authority in Rome, e.g. the praetorian prefects,[34] the *praefectus annonae*, and so forth. Embassies to the governor are, however, attested only relatively rarely in our documentation when compared with embassies to the emperors.[35] This creates the impression that communities that had originally functioned as subjects of international law and had used the embassies as a means of international communication, continued to use these traditional embassies widely in contact with the holders of actual political power (i.e. the emperors), but that they did this little or not at all in relation to those who were the highest representatives of the actual administration in the provinces, like governors or financial procurators.

That conclusion again seems to be a product of our surviving evidence, which is probably not representative; the reality might have looked different. Indeed, a simple observation can demonstrate this.

In not a few imperial letters, an embassy is informed that the emperor cannot decide in the matter under review; the community, the representatives of which would have spoken before him, should rather contact the governor. This is the case in the letter of Vespasian to the Baetican municipality of Sabora,[36] mentioned above. If a municipality, after having submitted such a matter to the emperor, had pursued it further before its governors, as the letter from Rome advised, clearly a simple letter to the provincial governor through a messenger would not be sufficient. On the contrary, courtesy was also owed towards the representative of Rome in the provinces, so that here too the

[32] See also Habicht, "Zum Gesandtschaftsverkehr", 13ff.

[33] See, e.g., Plin. *Ep.* 3. 4; 4. 9; 5. 20; 6. 13, 29; 7. 6, 10. In inscriptions, e.g., *IG* V/2, 268. 590; *I. Eph.* III 728. VI 2069; *I. Sinope* 97: a letter of a proconsul of Pontus-Bithynia mentions an envoy of the city Sinope who had approached him, whom he sent back again to his home city. For further references, see Habicht, "Zum Gesandtschaftsverkehr", 12–13.

[34] This is especially true for higher magistrates and imperial functionaries in Rome; only Gavius Maximus is mentioned as *praefectus praetorio* once in this form, *SEG* 11, 501.

[35] See the collection at Habicht, "Zum Gesandtschaftsverkehr", 15–16.

[36] See above under n. 1.

matter must be brought forward by a delegation of the community. Indeed, their clear self-interest required that the affair be represented in such a way that any objections or questions of the governor could be answered immediately by persons authorized to act. This is something only official envoys could do.

This brings up another point. Most interventions by the representatives of the ruling power concerned relatively unimportant things. The tenth book of Pliny's letters provides an impression of this that is highly suggestive. There were no issues that cities as a rule had to address to the emperor. But how were such questions decided if a city or other population group needed a decision? The responsible official was normally a governor. But, just as private individuals who wanted to get a decision from the governor had to contact him personally, or perhaps through the mediation of another—but always through personal contact—so too did this hold true for the cities, or even villages like that of the Arhillenoi.[37] They had to delegate people to represent the community before the Roman authority. Not just anyone, however, could be chosen; normally, members of the local council acted as envoys. Journeys to the governor were a necessity even if the governor came to the city in the course of his annual *conventus*. Conventus-cities could, of course, delay their decisions until a governor had arrived on his tour, in which case, their representatives did not have to travel far. Those cities that did not possess this privilege, however, all had to choose envoys to complete a longer journey, at least as far to the nearest conventus-center. Such diplomatic assignments were both frequent and necessary, but they did not bring special prestige. This was not the material with which a *cursus honorum* could be enriched. Rather, they were duties that had to be performed and that arose again and again.

If one views the performance of embassies in this light, especially those to governors, then the importance and especially the necessity of rules like those found in the *lex Irnitana* becomes clearer. Such embassies, which generally brought only trouble, were also potentially dangerous, like all journeys in Roman times. Reports of deaths of envoys are not uncommon and they demonstrate this danger very clearly.[38] Many sought to extract themselves from this burden, which

[37] Above, n. 2.

[38] E.g., *IGR* I 261; *AE* 2001, 378: death during an embassy, which is called a *legatio officiosa*; *CIL* III 5031 = *ILS* 7115: 'decurioni Virunensium defuncto Romae in legatione'. *CIG* 2801 = A. Chaniotis, *AJA* 108 (2004), 390f. no. 7: a son of a consular who also

is why it became necessary to introduce a rule that did not overburden anybody, but treated everyone even-handedly.

In the reality of the provinces, then, governors might have been the preferred target for the envoys of the cities, not the emperors. This was because they were responsible for everything or—to put it better—for *almost* everything. The exception was surely taxation, at least in all the *provinciae Caesaris*. There at least the financial procurator was, or became, the other administrative focal point on whom the provincials were dependent. This becomes clear, for instance, in Caesarea Maritima in Judaea, where the *praetoria* of both the representatives of Rome were found not too far from each other.[39] The *praetorium* of the senatorial legate was, it is true, far larger than that of the procurator; but, the procurator's *praetorium* was in any case equipped with representative rooms, including among other things a larger hall for receiving visitors. A similar point can be derived from the documents of the funerary monument of Opramoas in Rhodiapolis. In many resolutions, especially of individual cities, but also of the Lycian federation, it is stated again and again that the benefactor Opramoas was honoured by numerous testimonials by governors and procurators.[40] But how did cities receive such testimonials, which they themselves had arranged? In this case it is hardly conceivable that the procurator was asked by a simple letter to issue such a testimonial. The proper course here again was a delegation of citizens to the procurator. This is made clear for instance in a decree of the council of Sala in Mauretania Tingitana, which wanted to honour an auxiliary prefect and therefore arranged an embassy to the provincial governor.[41] Similarly, when the citizens of Tergeste wanted to erect an equestrian statue for their fellow citizen Fabius Severus, who was a senator in Rome, they did not communicate

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was an agonothete of Megala Gordiana in Attaleia, died in Rome. His remains were brought back to Aphrodisias.

[39] See, e.g., B. Burrell in K.L. Gleason, "The Promontory Palace at Caesarea Maritima: Preliminary Evidence for Herod's Praetorium", *JRA* 11 (1998), 48ff.; J. Patrich, Final Report (forthcoming); W. Eck, and H. Cotton, "Governors and their Personnel on Latin Inscriptions from Caesarea Maritima", *The Israel Academy of Sciences and Humanities, Proceedings* 7.7 (2001), 215–240; W. Eck, *Rom und Judaea. Fünf Vorträge zur römischen Herrschaft in Palaestina* (Tübingen 2007), 84ff.

[40] See the references at Kokkinia, *Die Opramoas-Inschrift*, 267 s.v. ἐπίτροπος. A letter of a procurator, however, is only attested once, under IIIA.B.

[41] *IAM* II 307; the fact that a senatorial governor temporarily officiated in the province Mauretania Tingitana in this period instead of a praesidial procurator is not important for the pending problem.

this to him in writing. Instead, they asked his father to undertake this assignment personally and to travel to the capital as the city's ambassador.[42] The same, however, was surely true for all problems that a procurator was involved in solving, whether he was a fiscal procurator in the *provinciae Caesaris* or even a patrimonial procurator in the proconsular provinces.[43] Especially if financial questions were involved, the formalities required meticulous attention. Administrative questions of substance had to be wrapped in the ceremonial garb of diplomacy. Any other form of communication would have been counter-productive.[44]

Still, the fact that no direct report exists for embassies to procurators is hardly surprising. Contacts with these office-holders were routine and as such hardly ever brought much prestige with them. A procurator could not, for example, bring about a reduction of tax-burdens, which could only be done directly by the emperor in Rome. The matters about which a procurator could make a decision were not the sorts of things that an envoy could get much prestige from. Indeed, most of his decisions had financial burdens as a consequence. Thus only a few reports mention embassies to a procurator, as for instance an inscription from Lindos that reports how a citizen had traveled as an envoy to Rome to the Augusti as well as to proconsuls and praetorian governors, and also to *epitropoi*, in Achaia, Asia, and Lycia.[45] The same thing is said about a citizen of Rhodes, who also went as an envoy now to emperors, now to proconsuls, now to procurators.[46] In all probability, then, such embassies were routine, but necessary, if one wanted to get what was needed for a community.

The provisional result can therefore only be that cities regarded embassies as necessary—even when it came to influencing the normal administrative functions of Roman officials in the provinces—and carried them out accordingly. Their contacts were therefore especially governors of every rank, regardless as to whether they were senatorial proconsuls and *legati Augusti pro praetore* or governing procurators,

[42] *CIL* V 532 = *ILS* 6680.

[43] Eck, *Die Verwaltung des römischen Reiches*, 67ff., 107ff.

[44] Such a case could arise at the legal proceedings that were presented to the governor of Hispania Citerior, Aurelius Fulvus, by the envoys of the Indicetani; also present with him were the *iuridicus* (Pomponius) Rufus and the procurator (Marius) Maturus, *AE* 1952, 122.

[45] C. Habicht, "Ein kaiserzeitliches Familiendenkmal aus Lindos", *ZPE* 84 (1990), 113–120 = *SEG* 40, 668.

[46] G. Pugliese-Carratelli, "Per la storia delle associazioni in Rodi antica", *Vox Latina* 22 n.s. 1–2 (1939–1940 [1942]), 154.

and also to financial procurators at different levels. As long as a community saw itself as an autonomous unit, and its prominent families considered themselves at least in theory its representatives and saw an opportunity to acquire prestige from this activity, embassies were the right method to negotiate important decisions or at least receive them. With the shrinking of the internal strength of cities and the dissipation of the ambition of the prominent families on the one hand and the increasing hierarchicalization and bureaucratization of the Roman administration on the other, as becomes increasingly clear in the third century,[47] embassies of the cities also became increasingly rare.[48] Insofar as they are still possible, they are subject to the permission of the governor.[49] In this they are no longer an expression of urban autonomy. The citizen has now become a simple subject of the emperor and his administration. Diplomacy was no longer necessary.

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[47] See now P. Eich, *Zur Metamorphose des politischen Systems in der römischen Kaiserzeit: die Entstehung einer "personalen Bürokratie" im langen dritten Jahrhundert* (Klio Beiheft, n. F. 9; Berlin, 2005).

[48] The lack of epigraphical attestation in this case is not a result of the decline of this form of document, but in fact depends on a change of content.

[49] *Cod. Theod.* 12, 12, 8. In general, such permission would have been acquired earlier, as the example in *IAM* II 307, lines 27ff. from the year 144 in Mauretania Tingitana shows.

NOT OFFICIAL, BUT PERMANENT: ROMAN PRESENCE IN ALLIED STATES— THE EXAMPLES OF CHERSONESUS TAURICA, THE BOSPORAN KINGDOM AND SUMATAR HARABESI

Rudolf Haensch

We are not very often informed about the measures taken by a *polis* to honour a Roman dignitary in as much detail as we find in the inscription *AE* 1996. 1359 = *SEG* 45. 985.[1] In this case, the *boule*, the council, and the *demos*, the people's assembly—that is, the classical central institutions of a Greek *polis*—had decided that the merits of a Roman dignitary were of such a kind that they had to honour him in

[1] [πᾶ]σι ἐ[πικρεμασθέσι κινδύνοις? πεπόαται τὰν]/ἐπιδαμίαν̣ [e.g. χρασίμαν τῷ Αὐτοκράτορι καὶ τᾷ τε]/λεωτάτα̣ εὐδαιμο[νία̣ τῶν πολειτᾶν, ἀνθ' ὧν/ἐκλασίας πανσυδ̣[ιασμένας e.g. πασσυδὶ τόν τε δᾶ]/μον καὶ τοὺς ποτ[ικλήτους βουλευτὰς κ]αὶ ἀ/ναβοᾶσαι μὲν αὐτ[ὸν ἐς τὰν] ἀγορὰν κεχαρμέ/να̣ τᾷ φωνᾷ̣, ἀθρόο[υς δὲ ἀν]ευφαμῆσαι πολί/ταν ἔμμεν, βουλευτάν [τε κα]ὶ πρόεδρον καὶ/πάσα̣ τᾷ παῤ ἁμεῖν τειμ̣[ᾷ̣ συ]ναξιωθῆμεν εἰς/ἀμοιβὰν τᾶς εὐποιίας [καθᾶ]κον ἔμμεν· δὶ ἃ/δεδόχθαι τᾷ βουλᾷ̣ καὶ τῷ [δάμ]ῳ̣· πρῶτα μὲν ἐπι/θειάξαι τῷ Αὐτοκράτορ[ι, ὡς] τοιοῦτον ἁγεμό/να σωτῆρα τᾶς [πε]ριστ̣άσ[ιο]ς ἔπεμψεν ἐπαρ/χείας σκᾶπ[τρον ἀ]ν̣[αλαβεῖ]ν, τῆνόν τε εὖ/[τει]μ̣ᾶ̣σαι, ὅ[ς] δοκιμάξας [ἐ]ς χάριν τᾶς πό/λιος ἁμῶν τοιοῦτον κα̣τ̣έστασεν ἁγέ/ταν τᾶς παῤ ἁμεῖν εἰράν[α]ς· ἔπειτα δὲ καὶ/αὐτὸν ἐπαινέσαι Τ. Αὐρήλι̣[ο]ν Καλπουρνιαν[ὸ]ν/Ἀπολλωνίδαν τειμᾶσαί τε πά[σα̣] τειμᾷ̣, ὥστε εἰκόνα[ς]/τε ἀναθῆμεν καὶ ἀνδριάντας [ἀνασ]τῆμεν αἰώνι̣[α]/καρύγματα ἐσσούμενα τᾶ[ς φ]ανερ[ᾶ]ς ἐς ἁμὲ εὐ/νοίας· δόμεν δὲ αὐτῷ προξ[ε]νίας πολειτείαν, ἔ[σ]/πλουν τε καὶ ἔκπλουν ἐν εἰράνα̣ καὶ π[ολ]ἐ̣μῳ̣ [ἀ]/συλεὶ, ἀσπονδεὶ αὐτῷ τε καὶ ἐ̣κγόνοις καὶ [χ]ρά[μα]/σιν αὐτοῦ· βουλευτάν τε ἔμμεν αὐτὸν καὶ σύνψα/φον τοῖς ἀρχᾶθεν Χερσον[α]σιτᾶν προέδροις, /μετέχειν τε πάντων τῶν ἐν τᾷ [π]όλει τῶν καὶ Χερσο/-νασιτᾶν τοῖσι πράτοις μέτεστιν. For a translation, see *AE* 1996. 1359. See already R. Haensch, "Rom und Chersonesus Taurica. Die Beziehung beider Staaten im Lichte der Ehrung des T. Aurelius Calpurnianus Apollonides", in V. Cojocaru (ed.), *Ethnic Contacts and Cultural Exchanges North and West of the Black Sea from the Greek Colonization to the Ottoman Conquest* (Iasi 2005), 255–268 (BE 2006, 300). Cf. D. Erkelenz, *Optimo Praesidi: Untersuchungen zu den Ehrenmonumenten für Amtsträger der römischen Provinzen in Republik und Kaiserzeit* (Antiquitas Reihe 1, Band 52; Bonn, 2003), esp. 178ff. My warmest thanks for helpful comments and useful criticisms go to Glen Bowersock (Princeton), Victor Cojocaru (Iasi), Heinz Heinen (Trier), Andreas Luther (Berlin), Christof Schuler (München), George Souris (Thessaloniki) and to the participants of the conference. For much support during the writing in a language which is not my mother tongue, I have to thank deeply Claude Eilers.

every conceivable way. As was typical for a face-to-face society, they wanted to present him with their decisions during a special meeting of the *boule* and the people in the agora, the fundamental meeting place. He should be invited to this meeting and be escorted to it in a highly formal manner. Among other things, the *boule* and *demos* of the city decided to award him the προξ[ε]νίας πολιτεία (the citizenship rights of a foreign representative) and the right that he, his descendants and last, but not least, his belongings could sail into and out of the territory of the polis in times of war and peace without violation and without a treaty.

If these parts were the only of the inscription to have been preserved, we would date it to the period during which Roman authorities and Greek poleis were equal or almost equal partners: that is, at the latest before the end of the Republican period.[2] At what other time could it be important for a Roman citizen to have a right to sail into and out from the harbour of a Greek *polis*? And if we consult our manuals and encyclopedias, we find this opinion restated. For example, in the Neuer Pauly we find: "Als Mittel der Außenpolitik griech(ischer) Gemeinwesen verlor die p(roxenía) ihre Bed(eutung) im Imperium Romanum" ("As a means of foreign policy of Greek communities, *proxenia* lost its significance in the Roman empire").[3]

But the inscription is dated by the local era and calendar. The date corresponds to the period between March 173 and March 174 A.D. and probably to one of the last months of this period. This means that the inscription was erected during the reign of the emperor Marcus Aurelius and more precisely during his Marcomannic and Sarmatic wars. In addition, the person honoured was not a magistrate of Republican times, but an official typical of the new order of the imperial period, a *procurator Augusti*. As for the whole inscription, these surprising facts have been ignored by almost the whole scholarly world. Perhaps a more meaningful discussion of the questions posed by this extraordinary inscription has been hindered by the fact that almost all of the articles dealing with this inscription were written in Russian—a language with an even more restricted scholarly audience than German—

[2] Thus also S. Mitchell, "In Search of the Pontic Community in Antiquity", in A.K. Bowman, H.M. Cotton, M. Goodman and S. Price (eds.), *Representations of Empire Rome and the Mediterranean World* (Oxford, 2002), 47.

[3] *Der Neue Pauly* X (2001), 4761.

and by the nasty and dispiriting quarrel between one of the editors and a senior epigraphist of his country over specific textual problems.[4]

But let us take a closer look at this text. It concerns Chersonesus Taurica, an old Greek colony on the Crimea near modern Sebastopol.[5] It had been founded by Dorian colonists from Heraclea Pontica. During the first three centuries A.D. it was one of two states that divided the Crimea between themselves. Chersonesus dominated the western part of the Crimea, while the east was under the control of the Bosporan kingdom. But Chersonesus apparently had to struggle not only to keep its territory free from "barbarian" invasions, but also to keep its independence from the Bosporan kingdom. Strabo mentions (7. 308) that in his times the city was part of this kingdom. According to Pliny the Elder, however, the Romans gave the city its *libertas* (HN 4. 85). Constantinus Porphyrogentes mentions that Phlegon of Tralles reported in book XV of his *Olympiads*, which dealt with Hadrian, that the emperor put the diadem on the head of the Bosporan king Kotys and subordinated some cities to him, including Chersonesus.[6] Under Antoninus Pius, Chersonesus thanked an embassy from Heraclea Pontica for its successful intervention with the emperor—perhaps he gave Chersonesus its liberty back (*IOSPE*[2] i. 362).

This city honoured T. Aurelius Calpurnianus Apollonides, and his exact function and merits pose different questions. The problems result partly from the inscription and partly from what we know from other sources about him. The indications given by the inscription are unfor-

[4] I.A. Antonova and V.P. Yailenko, "Chersonesus, the Northern Black Sea Coast and the Marcomannic Wars according to the Data of the Chersonesian Decree of 174 A.D. in Honour of Titus Aurelius Calpurnianus Apollonides", *Vestnik drevney istorii* 4 (1995), 58–86; Y.G. Vinogradov, "A New Documentary Dossier of the Imperial Epoch from Chersonesus", *Vestnik drevney istorii* 1 (1996), 48–60; V.P. Yailenko, "New Decrees from Chersonesus Tauricus in Honour of T. Aurelius Calpurnianus Apollonides, Procurator of Lower Moesia, and his Wife", *XI Congresso Internazionale di Epigrafia Greca e Latina Roma, 18–24 settembre 1997, Atti II* (Roma, 1999), 213–218; see further A.L. Smyshlyaev, "Career, Mission and Status of Titus Aurelius Calpurnianus Apollonidus", *Vestnik drevney istorii* 3 (1996), 141–147; I.S. Sventsitskaya, "Once again about the Chersonesian Decree", *Vestnik drevney istorii* 3 (1996), 137–141.

[5] See lastly G.R. Mack and J.C. Carter (eds.), *Crimean Chersonesos: City, Chora, Museum, and Environs* (Austin, 2003); M.I. Zolotarev, "Chersonesus Tauricus", in D.V. Grammenos and E.K. Petropoulos (eds.), *Ancient Greek Colonies in the Black Sea I* (Thessaloniki, 2003), 603–644.

[6] *Fr. Gr. Hist.* 257 f. 17; but see D. Braund, "Notes from the Black Sea and Caucasus: Arrian, Phlegon and Flavian Inscriptions", *Ancient Civilisations from Scythia to Siberia* 9 (2003), 175–191.

tunately not very clear. This is partly due to the fragmentary nature of the first lines of the decree, which probably contained a general statement of the merits of the honoured. But as the highly divergent proposals for supplements have shown, there is no certain resolution for these lines. Of course, the Chersonasitai came to speak of his merits not only in the general introduction, but also in the decree that they formulated. After lines 12ff., the emperor should be informed that he had sent such a commander (ἁγεμόνα) and saviour[7] in a crisis—σωτῆρα τᾶς [πε]ριστάσ[ιο]ς—to take a sceptre or a position symbolized by a sceptre and connected with a command district—ἐπαρχείας σκᾶπ[τρον]—that they had to honour such a man who had been a leader for peace among them—τᾶς παῤ ἁμεῖν εἰράν[α]ς. Almost all of these words need a detailed commentary. To begin with ἁγεμών, contrary to what has been claimed by the editors and accepted by some referees, ἁγεμών (koine: ἡγεμών) does not necessarily mean governor, let alone senatorial governor.[8] It is true that this is the normal meaning. But there are some cases where the Latin equivalent *praeses* was used for a financial procurator: that is the head of the imperial financial administration in a province as for example the *procurator Asiae*.[9]

The fact that ἁγεμών could be used for a financial procurator is important because we have to identify the man honoured in our inscription, T. Aurelius Calpurnianus Apollonides, as a person of the same name known from at least one,[10] and probably two,[11] inscriptions.

[7] For this standard formula see especially Menander ii. 10, p. 415, l. 13ff. Cf. *OGIS* 666, 4ff.

[8] Contra Yailenko, "New Decrees from Chersonesus Tauricus", 217; not commented upon by *AE* 1999, p. 454. But see, for example, S. Demougin and X. Loriot, "D'une Chersonèse à l'autre", *ZPE* 151 (2005), 225–234, at 230.

[9] *I. Eph.* iii. 660 E; *AE* 1988. 1018 (perhaps the same person); *CIL* iii. 5215 = *ILS* 1362 ('procurator Belgicae et duarum Germaniarum'); perhaps even *CIL* iii. 13704 = *ILS* 9009 = *IG* x/2.1. 147 see Piso 1993, 84.

[10] As we know from *IGR* i. 1107 = *ILS* 8850 = *SB* i. 173; for the origin of this inscription see R. Haensch, *Capita provinciarum: Statthaltersitze und Provinzialverwaltung in der römischen Kaiserzeit* (Kölner Forschungen, 7; Mainz, 1997), 545 n. 113.

[11] *CIG* ii. 3751 = *IGR* iii. 41 = *I. Nikaia* 58; even if the first line of the inscription with the name of the person honoured has been lost, the similarities of the *cursus* in *I. Nikaia* 58 and *IGR* i. 1107 are such that there never was a doubt about the fact that Apollonides was the person honoured in the case of *I. Nikaia* 58 (even the different number of the second legion did not change this); see for example *PIR*^{2} A 1471; *PME* A 217, cf. Suppl. I; H.G. Pflaum, *Les carrières procuratoriennes équestres sous le haut-empire Romain II* (Paris, 1960), 715ff.; J. Fitz, *Die Verwaltung Pannoniens in der Römerzeit II* (Budapest, 1993), 852; Demougin and Loriot, "D'une Chersonèse à l'autre", *ZPE* 151 (2005), 225–234, especially 229f.

These inscriptions list the entire cursus of an *eques Romanus*, probably from Nicaea in the province of Pontus and Bithynia. According to the testimony of these inscriptions, the only office in which Apollonides could have become involved with the Chersonasitae was his position as *procurator Moesiae inferioris*: that is, as head of the financial administration of Moesia Inferior. There is no hint in the two cursus inscriptions that during his time in Moesia Inferior Apollonides had ever replaced the senatorial *legatus Augusti pro praetore Moesiae inferioris*. And such a function as *agens vice praesidis* would have been mentioned because it was honorable for such a man. This is especially true in the case of an inscription that did not speak of an ἐπίτροπος Δαλματίας but—with a very elaborated formula—of an ἐπίτροπος δουκηνάριος ἐπαρχείας Δαλματίας καὶ Ἰστρί[α]ς. Thus, the term ἁγεμών and the very poetical reference to a sceptre cannot mean that Apollonides had been acting governor of Moesia Inferior.[12]

But does it follow from this that Apollonides was only a negotiator in peace talks between Chersonesus and its barbarian neighbours?[13] One has to concede to the supporters of this thesis that there is no unequivocal hint in the decree that Apollonides came as leader of a Roman battle group. Line 1 is too fragmentary and lines 16 and 17 too unspecific to be used as an argument.[14] But there are only very weak arguments for the presumed role of Apollonides as a peace negotiator, too.[15] The proposed reading [συ]ν̣ο̣[τ]άσιος in line 13 is not only worse than the rejected proposal [πε]ϱιστάσ[ιος]—which corresponds much better with the identifiable remains of the letters and for which many more parallels could be cited—but it also would not necessarily refer to a peace treaty. And the probable reading πεϱίστασις has consequences. In the other cases of the use of the word in such decrees "l'atmosphère de guerre transparaît".[16] The fact that his wife accompanied Apolloni-

[12] One should mention the fact that the second part of the formula by which the patron of Athenaeus mentions his function as *procurator Moesiae inferioris* (or *superioris*) in *Deipnosophistae* 9. 398e, ἐπιτϱοπεύων γὰϱ ἐν Μυσίᾳ τοῦ κυϱίου Αὐτοκϱάτοϱος καὶ πϱοιστάμενος τῶν τῆς ἐπαϱχίας ἐκείνης πϱαγμάτων, is very unusual and could let us think of an *agens vice praesidis*. A parallel for the use of ἐπαϱχία in the decree of Chersonesus is perhaps offered by *CIRB* 64, unfortunately a passage also hotly discussed, see H. Heinen, "Rome et le Bosphore: Notes Epigraphiques", *Cahiers Glotz* 7 (1996), 99.

[13] Thus Yailenko, "New Decrees from Chersonesus Tauricus", 217.

[14] Contra Vinogradov, "A New Documentary Dossier", 48–60; cf. the commentary of *SEG* 45. 985, p. 254.

[15] Thus Yailenko, "New Decrees from Chersonesus Tauricus", 217.

[16] P. Briant, P. Brun, and E. Varinglioglu, "Une inscription inedite de Carie et

des[17] is not an argument for the peaceful character of his mission as the example of Agrippina the Elder shows, who accompanied her husband during two military missions.

There are further arguments to determine the specific character of the mission of Calpurnianus Apollonides. On the one hand there is the enigmatic sceptre of the command(ing?) district—ἐπαρχείας σκᾶπ-[τρον]. It has been suggested that σκᾶπ[τρον], or another word beginning with the very specific combination of letters σκᾶπ—, refers to a *vexillum* or *vexillatio*—that is, a military unit formed from detachments from different units of a provincial army and represented by its standard.[18] For such a meaning of the word σκᾶπτρον, these authors refer to an inscription from Caesarea—Hadrianoupolis in Paphlagonia.[19] In the case of this poetical funerary inscription with many allusions to Homer and Hesiod we find the following passage referring to the military merits of the dead person: Trajan δῶκε δὲ οἷ μεγάλην ἀρχήν· νεικηφόρον ἄθλων [ἐ]στεφάνωσε καλῶς καὶ αὐτῷ τὸ σκῆπτρον ἔδωκεν, [ση]μεῖον βασίλειον, οἱοῖ· δωρήσατο δῶρον σημείαις προάγειν· λαὸν δ' ἐφύλασσεν ἅπαντα. The first editor and those following him[20] thought that the inscription concerned a simple farmer and soldier who was appointed by Trajan as *vexillifer* and who had to bear the *vexillum* (σκῆπτρον), the standard with the imperial *imago*—[ση]μεῖον βασίλειον. This view has recently been challenged.[21] Michael P. Speidel pointed out that σημεῖον

le guerre d'Aristonicus", in A. Bresson and R. Descat (eds.), *Les cités d'Asie Mineure occidentale au IIe siècle a.C.* (Ausonius publications: Études 8; Bordeaux, 2001), 246. Unfortunately we do not know the exact circumstances under which a governor was honoured at Gerasa in the third century as εἰρηνοποίον by an *eques Romanus* and one of the first (men of Gerasa): *AE* 1996. 2000 = *SEG* 46. 2061; for the meaning see P.L. Gatier, "Gouverneurs et procurateurs à Gerasa", *Syria* 73 (1996), 50f.

17 The honours decreed for her—*AE* 1996. 1359 = *SEG* 45. 985 B—are of such a kind that she must have been present at least during the honouring ceremony.

18 Thus Smyshlyaev, "Career, Mission and Status of Titus Aurelius Calpurnianus Apollonidus", 141–147 accepted by Vinogradov, "A New Documentary Dossier", 52 n. 14 (cf. *SEG* 45, p. 254).

19 *AE* 1993. 1547 = *SEG* 43. 911 = R. Merkelbach and J. Stauber (eds.), *Steinepigramme aus dem Griechischen Osten II: Die Nordküste Kleinasiens (Marmarameer und Pontos)* (Leipzig, 2001), 10/02/28.

20 C. Marek, *Stadt, Ära und Territorium in Pontus–Bithynia und Nord–Galatia* (Istanbuler Forschungen, 39; Istanbul, 1993), 100ff. and the publications cited in the preceding note; see further O. Stoll, "Armee und Agrarwirtschaft: die 'Stationen' vor dem norisch–pannonischen Limes und die Landwirtschaft im 'Freien Germanien'", in O. Stoll (ed.), *Römisches Heer und Gesellschaft* (Stuttgart, 2001), 480f.

21 M.P. Speidel, "Lebensbeschreibungen traianisch–hadrianischer Gardereiter", in K. Vössing (ed.), *Biographie und Prosopographie* (Stuttgart, 2005), 73–87.

never referred to an imperial image. In his view, Trajan entrusted the person in question—for him an *eques singularis Augusti*—with the task of bearing the imperial sceptre. In my view, both these interpretations interpret the poetical allusions to simple life too literally. The person in question was a friend of many people (l. 2), cared for dependant farmers (l. 15) and protected his people during the war (l. 11). All these phrases correspond not to a simple farmer, but to a member of one of the leading strata of the Imperium Romanum, as for example the *ordo decurionum* or the *ordo equester*. Such a man would not serve as a simple soldier, but as an officer.[22] And if we take a closer look at the cited passage, we find other phrases which could confirm such an interpretation. The person received an important command (μεγάλη ἀρχή), he guarded a whole people (λαὸν δ' ἐφύλασσεν ἅπαντα), and was crowned by the emperor, because with him came victory (νεικηφόρον ἄθλων [ἐ]στεφάνωσε καλῶς)—*coronae* were military decorations usually not granted to simple soldiers.[23] In such a context the mentioned σκῆπτρον should have the meaning 'baton of command'.[24]

Perhaps the σκῆπτρον really had the form of a sceptre. The use of sceptres in the Roman world is not very well researched. The studies of Andreas Alföldi focussed primarily on the emperor. After him only Thomas Schäfer discussed this symbol of power but based and centered on the archaeological evidence.[25] Even thus, he cited an example of a funeral monument from the end of the second century belonging to a *praetor* where a sceptre was shown as a sign of his powers.[26] At least

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[22] Merkelbach and Stauber refer in their commentary to Kaibel 403 = Peek 1168 = *SEG* 41. 1118–1121 = Merkelbach, and Stauber (eds.), *Steinepigramme aus dem Griechischen Osten II*, 11/13/02 as a parallel—this funeral poem concerned a man who had apparently been a τριβοῦ[νος] (1120, line 9). Perhaps we should even interpret the phrase ἐν στρατι⟨ῇ⟩ δοκιμὴν συνκλήτῳ ἔδωκεν in the way that Priscus was adlected in the senate because of his military merits. The most general meaning of σύγκλητος in Roman times was senate, not new, hastily collected military unit. On the other hand one should expect in such a case that Priscus would not have returned to his homeland but taken up a senatorial career.

[23] V.A. Maxfield, *The Military Decorations of the Roman Army* (London, 1981), 213f. Marek, *Stadt, Ära und Territorium*, 111 knew this, but because of his general thesis that the inscription deals with an ordinary soldier he thought it necessary to postulate a figurative meaning of στεφανόω.

[24] Already Marek, *Stadt, Ära und Territorium*, 111 noted that the meaning "Standarte" postulated by him was without parallels.

[25] A. Alföldi, *Die monarchische Repräsentation im römischen Kaiserreiche* (Darmstadt 1970), 228ff.; T. Schäfer, *Imperii Insignia. Sella curulis and Fasces: zur Repräsentation römischer Magistrate* (Mainz, 1989), 180ff.

[26] Schäfer, *Imperii Insignia*, 186, 272ff., (*CIL* vi. 1343 = *ILS* 1127).

at this time the use of a sceptre was not restricted to the emperor or the *consules* during their games. If the very fragmentary status of our knowledge is taken into consideration, we should perhaps consider the possibility that a sceptre was also used by even lower ranking equestrian officers.[27] But perhaps the phrase σκῆπτρον ⟨...⟩ [ση]μεῖον βασίλειον was only chosen because of its Homeric allusions and we should not think of a real sceptre but of a baton of command of some kind. In this context, we should take into consideration the fact that in this part of the ancient world the sceptre was apparently a highly-valued sign of power. Coins of the Bosporan kings and even an inscription honouring one of them refer to this insignia.[28]

Finally one must also take the prevailing circumstances into consideration. In these years there was fighting against Sarmatian tribes on the lower Danube, and we have from precisely the same period evidence for *vexillationes* on the Crimea.[29] Already under Antoninus Pius[30] a *tribunus militum legionis I Italicae*—that is, an officer of a legion stationed in Moesia Inferior—dedicated an altar to Hercules at Balaklava, 10 kilometers from Chersonesus, through the agency of a *centurio* of the same legion.[31] Two other inscriptions show us that this man com-

[27] Against such an hypothesis Schäfer, *Imperii Insignia*, 180ff. (because he thinks sceptres were only used by magistrates who presided at games).

[28] *IOSPE* ii. 37 and V.F. Gajdukevich, *Das Bosporanische Reich* (Berlin, Amsterdam, 1971), 344; N.A. Frolova, *The Coinage of the Kingdom of Bosporus, A.D. 69–238* (BAR international series, 56; Oxford, 1979), 20ff. While I was dealing with the proofs, G. Bowersock has shown me an article written by Ch. Jones and himself in *ZPE* 156 (2006), 117–128. Unfortunately, I am unable to discuss here the remarkable parallels in lines 35–39 of this inscription. To understand the passage correctly, one should keep in mind that we have an epitaph of a *centurio princeps cohortis Thracum* from Panticapaeum (*CIRB* 666 = *IGR* i. 894). Thus the units mentioned should have been Roman ones, not local ones.

[29] For an overview see T. Sarnowski, "Das römische Heer im Norden des Schwarzen Meeres", *Archeologia* 38 (1988), 61–98; V.M. Zubar, "Zur römischen Militärorganisation auf der Taurike in der zweiten Hälfte des 2. und am Anfang des 3. Jahrhunderts", *Historia* 44 (1995), 191–203.

[30] The posting of a *beneficiarius* at Charax (the only datable testimony—*IOSPE*² i. 674—comes from circa 120) by contrast may be connected with the subordination of Chersonesus under the reign of the Bosporan king. Contrary to the general statements in different publications, we have no evidence for the stationing of a greater number of Roman soldiers already in the first century or the first half of the second century apart from the very problematic reference in Agrippa II's speech as Josephus designed it (*BJ* 2. 366)—*IOSPE*² i. 562 should not be cited in this context because we do not have any proof that this man was a *libertus* of P. Vedius P. f. Quirina Antoninus.

[31] *AE* 1998. 1154.

manded a *vexillatio exercitus Moesiae inferioris*.[32] Another tribune of the same legion must have commanded *vexillationes Ponticae aput Scythia(m) et Tauricam* before 176 and probably not many years before.[33] And these men were not isolated examples. An inscription dating from 185/186 mentions two other *tribuni* and *praepositi*, who commanded the *vexillatio Chersonessitana*.[34] One year later, in the early months of 186, a *tr(ierarcha) c(lassis) F(laviae) M(oesicae)* dedicated an *ara* for the *salus* of the emperor and of another *tribunus militum leg(ionis) I Ital(icae)*, to whom he was subordinated—*s(ub) c(uius) c(ura) e(gi)*.[35]

A temporary military command of a financial procurator of Moesia Inferior would fit very well in the context of this Roman military presence, since the military danger was of such a kind that the *vexillatio* will have been larger than was usually the case, with the consequence that it had to be commanded by a more experienced equestrian officer than a *tribunus militum*. That under such circumstances a financial procurator could be charged with a military command is documented by an example from precisely the same province, Moesia Inferior, during the reign of Marcus Aurelius. M. Valerius Maximianus, *procurator Moesiae inferioris* about 177, *eodem in tempore praepositus vexillationibus et detrahendam Briseorum latronum manum in confinia Macedon(iae) et Thrac(iae)*.[36]

To honour T. Aurelius Calpurnianus Apollonides, Chersonesus took different measures. The emperor should be informed about the merits of his appointee, as many other cities in the empire informed him in similar contexts.[37] The Chersonitae would put up statues and εἰκόνας—probably busts[38]—of him, as was an almost empire-wide custom in the Roman world. He would be made a member of the council with all the rights of the most prominent citizens, an honour for which we also

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[32] In *AE* 1998. 1155 we get *vexill(atio) exer(citus) [Moesiae Inf(erioris)—]*; in 1156: *vexillat(io) [ex(ercitus) Moes(iae)] Inf(erioris)*.

[33] *CIL* viii. 619, cf. 11780 = *ILS* 2747; for the date see *PIR*² P 463; *PME* P 41 with the supplements.

[34] *CIL* iii. 13750 = *IGR* i. 860 = *IOSPE*² i. 404.

[35] *CIL* iii. 14214³⁴ = *IOSPE*² i. 417 cf. *PME* F 71 (the inscription has to be dated to 186 because the last line *sequentes Materno et Bradua cos.* meant probably that the *ara* was erected under the *consules*—unknown to the dedicator—who followed Maternus et Bradua).

[36] *AE* 1956. 124; cf. P. Eich, *Zur Metamorphose des politischen Systems in der römischen Kaiserzeit: die Entstehung einer 'personalen Bürokratie' im langen dritten Jahrhundert* (Klio Beiheft, N.F. 9; Berlin, 2005), 136 (with further examples of such commands).

[37] See for example *AE* 1931. 36 = *IAM* 307 and Millar, *Emperor*, 380ff.

[38] See the similar decree from Olbia: *IOSPE*² i. 79, 30f.

find parallels, especially in the region west of the Pontus Euxinus.[39] And finally Apollonides would be given the προξ[ε]νίας πολιτεία (the citizenship rights of a foreign representative) and the right for him, his descendants and his belongings to sail into and out from the territory of the *polis* in times of war and peace without violation and without a treaty. As mentioned, these last honours seem to be very old-fashioned, as antiquated as the language of the decree, which happens to be the latest attestation of the Megarian dialect.[40] One has to think of the remarks of Dio Chrysostomus about the citizens of Olbia, another old Greek colony near the confluence of Bug and Dnieper on the northern shore of the Pontus Euxinus: "A philosopher would have been vastly pleased at the sight, because all were like the ancient Greeks described by Homer, long-haired and with flowing beards, and only one among them was shaven, and he was subjected to the ridicule and resentment of them all. And it was said that he practiced shaving, not as an idle fancy, but out of flattery of the Romans and to show his friendship toward them" (*Or.* 36. 17).

But as the research of recent years has shown, these remarks of Dio are hardly a neutral, objective, "anthropological" analysis.[41] And if we take a closer look at the προξενίας πολιτεία, there are reasons to doubt whether the Chersonasitai were really old-fashioned. True, even the term προξενίας πολιτεία, which is first attested in the case of Chersonesus Taurica in 106/ 114 A.D.,[42] seems to point at an institution which has lost its real content. In the beginning there was a fundamental difference between προξενία—the official relations between a *polis* and a citizen of another *polis*—and πολιτεία, citizenship. But cities began awarding προξενία and πολιτεία at the same time from the 4th century

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[39] See J. Nelis-Clément, *Les beneficiarii: Militaires et administrateurs au service de l'empire* (Ausonius publications: Études 5; Bordeaux, 2000), 310 f. But Sala in Mauretania Tingitana also did the same: *AE* 1931. 36 = *IAM* 307.

[40] *BE* 1997, 425.

[41] See lastly for example D. Braund, "Greeks and Barbarians: The Black Sea Region and Hellenism under the Early Empire", in S.E. Alcock (ed.), *Early Roman Empire in the East* (Oxbow monograph, 95; Oxford 1997), 126 ff.; Braund, "Notes from the Black Sea", 185; B. Bäbler, "Behoste Griechen im Skythenland: Erscheinungsformen und Wahrnehmung antiker Kultur in ihren Grenzbereichen", in H.G. Nesselrath and others (eds.), *Dion von Prusa. Menschliche Gemeinschaft und göttliche Ordnung: Die Borysthenes–Rede* (Scripta Antiquitatis Posterioris ad Ethicam Religionemque pertinentia, 6; Stuttgart, 2003), 122 ff.; Vinogradov, "A New Documentary Dossier", 341, 344; a little bit different Mitchell, "In Search of the Pontic Community", 47 f.

[42] *SEG* 48. 999, l. 20 f. (not only in 129/130: *IOSPE*² i. 359).

B.C. onwards. And the scholarly discussion as to what this development meant for the institution of προξενία has reached a consensus that this did not signify a fundamental change in it.[43]

True, in the case of all the other Greek cities in Europe or Asia minor, the latest decrees which gave προξενία to Roman dignitaries—minor officers—date from 67/66 B.C.[44] But in the case of the cities of the north- and northwestern shore of the Pontic Sea, προξενία was not a dying honour. Among the inscriptions of Chersonesus dating from imperial times we find another seven examples of persons known by name who received προξενία or προξενίας πολιτεία.[45] Among highly fragmentary inscriptions there are at least three more.[46] Three of the persons known by name had Roman citizenship[47] (but did not necessarily come from Rome).[48] Thus, Chersonesus Taurica kept the classical and Hellenistic tradition of προξενία alive. And at least in the regional context, it was not as surprising as it seems at first sight to accord these rights to representatives of Roman Rule. At an unknown moment, perhaps also in the second half of the second century,[49] Olbia had given to a Roman *evocatus* and his descendants the same rights—the προξενίας πολιτεία and the right to sail into and out from the territory of the *polis* in times of war and peace without violation and without a treaty. This Roman soldier who was serving after the end of his regular service time had been sent to the city "by the leading authorities (I. e. two or more governors? Or the governor and the procurator?)" (ἀπ[εσταλμένος ὑ]πὸ τῶν ἡγουμένων; *I. Olbia* 45 = *SEG* 3. 584).

Thus, it seems, we have another example of a phenomenon which Fergus Millar has called "two–level sovereignty". He has described it in the following manner: Two–level sovereignty resulted from the "implicit or explicit claim on the part of any political unit which defined itself as a Greek city to some degree of diplomatic consideration and respect, to

[43] See C. Marek, *Die Proxenie* (Europäische Hochschulschriften Reihe 3, Geschichte und ihre Hilfswissenschaften, 213; Frankfurt am Main and New York, 1984), 152 ff.

[44] See Marek, *Die Proxenie*, 382 f. (*Fouilles de Delphes* iv. 45, 46).

[45] *IOSPE*² i. 357, 358, 359, 364, 365, 697 = S.I. Solomonik (ed.), *Novye epigraficeskie pamjatinki chersonesa* (Kiev, 1964), no. 7. *SEG* 48. 999.

[46] *IOSPE*² i. 377, 378. Solomonik 6.

[47] *IOSPE*² i. 364, 697 = Solomonik (ed.), *Novye epigraficeskie pamjatinki chersonesa*, no. 7. *SEG* 48. 999.

[48] Contra Marek, *Die Proxenie*, 69.

[49] T. Sarnowski, "L'organisation hiérarchique des vexillationes Ponticae au miroir des trouvailles épigraphiques récentes", in Y. Le Bohec (ed.), *La hiérarchie (Rangordnung) de l'armée Romaine sous le Haut–Empire* (Paris, 1995), 327 n. 33.

the operation of internal self-government, and to self-representation in a manner which implied a degree of independence".[50] Apparently, not only allied (or client) kingdoms of the Roman Empire tried to preserve such a two–level sovereignty, but also Greek cities, which were not part of a province but only allied with the Empire.

Relations between a superpower and dependent states have different parameters: one is the formal characteristic of the 'mold' into which the contacts of the two states are cast; another is the presence of troops. An even more important parameter is the question of whether the dependent state has to pay regular contributions to the superior one. There is no doubt that at least some allied states paid tribute to Rome already in Republican times, even if they were not part of a province.[51] In the case of Chersonesus Taurica we know that a certain tax, the *capitulum lenoceni*, was even collected by Roman soldiers in the later 2nd century.[52] But there has been a long debate about whether allied kings also paid *tributum*. The most recent extensive contribution to this discussion—that of David Braund—has tried to show that kings never paid tribute. According to Braund they paid only indemnities in some cases.[53] I do not want to discuss the examples of the Republican period—even if I have the impression that Braund is too willing to set aside contrary evidence.[54] Instead, I want to discuss the most important piece of evidence from imperial times—which is in fact almost the only one. In his work "Alexander the False Prophet", Lucian told the story of how he escaped from intrigues of Alexander of Abunoteichus: "There" (at Aegialoi in Paphlagonia, where he had been put ashore) "I found some men from the Bosporus who were voyaging along the coast. They were going as ambassadors from King Eupator to Bithynia, to bring the yearly contribution. I told them of the peril in which we had been, found them courteous, was taken aboard their vessel, and won safely through to Amastris, after coming so close to losing my life" (*Alex.* 57). For Sherwin-White and Braund, this testimony is completely ambiguous. It might mean either that Bosporan envoys were on a mission to bring tribute to Bithynia or that they were on a mission to collect an annual subsidy.[55]

[50] F. Millar, "Emperors, Kings and Subjects: the Politics of Two-level Sovereignty", *Scripta Classica Israelica* 15 (1996), 165.

[51] D. Braund, *Rome and the Friendly King* (London, 1984), 63, 67.

[52] *CIL* iii. 13750 = *IGR* i. 860 = *IOSPE*[2] i 404.

[53] Braund, *Rome and the Friendly King*, 63 ff.

[54] See his discussion of Caes. *B Gall.* 5. 22; App. *B Civ.* 5. 75; Str. 17. 281.

[55] A.N. Sherwin-White, *The Letters of Pliny: A Historical and Social Commentary* (Oxford,

According to Fergus Millar, there is no doubt that these envoys were accompanying Roman subsidies destined for the king.[56] D. Braund tried more carefully to prove such an interpretation by referring to a passage in Zosimos (i. 31). According to this historian of the late 5th century, from some time down to the third century A.D., Bosporan kings received an annual "gift" from the Roman Emperors.[57] But it is probably better not to depend too much in the account of a late antique historian who is not known for accuracy or veracity.

We must concentrate instead on the passage of Lucian. I will not try to prove beyond doubt that the normal meaning of σύνταξις is contribution and not subsidy.[58] Leaving aside linguistic niceties, I think the best way to understand this text is to approach it with the question of what is diplomatically appropriate. The important fact is *who* accompanied the annual sum. If it had been a subsidy by the emperor to the king, we would expect that the money would have been brought across the Euxine sea by representatives of the Roman power: for example, by a *centurio* or *tribunus* along with an escort of soldiers using a Roman ship. These representatives would have handed over the gift to the king in a ceremonial way. Subsidies are part of a system of diplomatic exchange between two powers. They are not weekly wages that can be collected by the recipient or his representative at an accounting office.[59] An annual sum accompanied by envoys of the Bosporan king across the Black sea is therefore much more likely to be a tribute of his kingdom brought to the nearest imperial fiscus than a subsidy destined for this king.[60]

There are other arguments, too, for the regular payment of tribute by allied kings during the High Empire. In the correspondence of Pliny

1966), 648.

[56] Millar, *Emperor*, 164; accepted by Mitchell, "In Search of the Pontic Community", 46.

[57] Braund, *Rome and the Friendly King*, 65 with reference to Zos. 1. 31. See further Braund, "Notes from the Black Sea", 185 n. 13.

[58] Against such argumentations: Braund, *Rome and the Friendly King*, 63f.

[59] See for example Amm. Marc. 21. 6. 7–8; Jord. *Get.* 270–272. Of course there are also examples for the other way round: Amm. Marc. 26. 5. 7 (Petr. Patr. Fr. 8 [FHG IV 186] refers not to a routine procedure but to the first time when the Gothi postulated *stipendia*); but for the normal situation see Verg. *Aen.* 8. 720–731; Euseb. *Vit. Const.* 4. 7. 2. Cf. B.H. Warmington, "Virgil, Eusebius of Caesarea and an Imperial Ceremony", in C. Deroux (ed.), *Studies in Latin literature and Roman History IV* (Brussels, 1986), 451–460.

[60] V.M. Zubar, *Severnoe Prichernomer'e i rimskaya imperiya* (Kiev, 1998), 178 thinks also of a tribute of the Bosporan kings.

as governor of Pontus and Bithynia we find three letters which deal with the ruler of the Bosporan kingdom.[61] In all three of these letters the *Augusti libertus* Lycormas is also mentioned. This Lycormas was apparently a very powerful man.[62] Not only did he correspond with the emperor, but he also asked Pliny, a governor of consular rank, to detain an embassy sent by the king until he himself would arrive in Nicaea—a favour that Pliny initially performed for him. The ambassador of the king had so much respect for Lycormas that he waited two days for his arrival, too. It was only after these two days that Pliny and the ambassador decided that it would be better that the *legatus* continued his mission.

Lycormas was not the only powerful *Augusti libertus* in an allied kingdom, as it is shown by another almost completely neglected monument from a completely different part of the empire: Sumatar Harabesi is an important watering place with many wells situated in the Tektek mountains about forty kilometres north-east of Harran/Carrhae, first explored by Henri Pognon.[63] There was apparently an important cult site of the Moon God Sin of Harran here. But there was also found a complex of two caves whose function is not so clear. These caves had been carved out until they had the shape of two almost square rooms facing east. In the smaller one (5.1 m by 4.3 m) ten over life-size figures in relief could be seen. Inscriptions in the Syriac language explained to a visitor which persons were meant. On the left side of the head of one of these "statues" (letter F according to Pognon), the respective inscription (no. 7 according to Pognon) tells us that this sculpture was executed according to the wish of a certain Barnahar bar-Dini, governor of ʿArab, in honor of his lord and benefactor Aurelius Ḥapsay

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61 Plin. *Ep.* 10. 63–64, 67.

62 But not the *Augusti libertus et procurator* on the side of the *procurator Ponti et Bithyniae*, contra Sherwin-White, *The Letters of Pliny*, 648.

63 See for example H.J.W. Drijvers, *Cults and Beliefs at Edessa* (Etudes préliminaires aux religions orientales dans l'Empire romain, 82; Leiden, 1980), 122 ff.; T.M. Green, *The City of the Moon God* (Leiden and New York, 1992), 65 ff.; J.B. Segal, "Pagan Syrian Monuments in the Vilayet of Urfa", *Anatolian Studies* 3 (1953), 77–119; for the caves, Drijvers l. c., Segal, "Pagan Syrian Monuments", 102 ff. and H. Pognon, *Inscriptions sémitiques de la Syrie, de la Mésopotamie et de la région de Moussoul* (Paris, 1907), 23 ff. For the inscriptions, see now H.J.W. Drijvers and J.F. Healey, *The Old Syriac Inscriptions of Edessa and Osrhoene* (Handbuch der Orientalistik Abt. 1 42; Leiden, etc., 1998), As 44–As 54, especially As 49. For maps see below. These maps were drawn after those of H.J.W. Drijvers, "Hatra, Palmyra und Edessa", *ANRW* ii/8 (1977), 868 (= *map 1*); of J.B. Segal, "Pagan Syrian Monuments", 98 (= *map 2*), of H Pognon, *Inscriptions sémitiques de la Syrie*, 27 (= *map 3*).

bar—Bar [Kalba] and libertus of Antoninus Caesar. (Arab refers in this context to the desert area east of Edessa as far as the Tigris.)[64] As Hendrik Drijvers has already noted, there are several possibilities as to which emperor is meant: Marcus Aurelius, Commodus, Caracalla or Elagabal.[65] The same Aurelius Ḥapsay was also honoured by a second person with a similar relief (inscription no. 8 according to Pognon (As 48); left to the head of the statue at letter K). We find also two reliefs of two rulers of Arab in the room, including one of the mentioned Barnahar (no. 10 according to Pognon (As 52); between N and O).

The function of the entire complex is not clear; Pognon suggested that it was intended for ritual purposes. He thought that the large niche at the rear (1.8 m wide; 1.2 m deep; 2.4 m high; letter H), which was decorated at both sides by a relief representing a horned pillar of oval shape, resembling a stylized human person wearing on his head a horn, should have contained an altar or a statue of a god.[66] Drijvers has interpreted the whole as the place where these tribal leaders were invested with their offices, which were at the same time civil and religious ones: they were rulers of ʿArab and Budars (priests) of Sin.[67] In any case, the power of this *Augusti libertus* cannot be doubted.[68] He was powerful enough that a ruler of ʿArab, a tribal leader, thought of him as his lord and benefactor. The same epithets were given for example to king Abgar VIII in a splendid mosaic from Edessa, first published in 1981.[69]

[64] See, for example, Drijvers, *Cults and Beliefs at Edessa*, 130 and M.A. Speidel, "Ein Bollwerk für Syrien", *Chiron* 37 (2007), 405–433, especially 406.

[65] Not really convincing is Drijvers, *Cults and Beliefs at Edessa*, 131 f.

[66] Pognon, *Inscriptions sémitiques de la Syrie*, 25.

[67] Drijvers, *Cults and Beliefs at Edessa*, 135 ff.; cf. Green, *The City of the Moon God*, 69.

[68] I have to thank Andreas Luther very much for a lively discussion of this complex and the insight in the corresponding parts of his yet unpublished Habilitationsschrift. But I cannot accept his hypothesis that this Aurelius Ḥapsay bar–Bar [Kalba] is the same man as a certain Aurelianus bar–Ḥapsay, who is mentioned by Jacob of Edessa (p. 282 = Michael Syrus p. 78) as Hegemon after the deposition of king Abgar Severus of Edessa and in whom Luther sees a regent (*rector*) in the place of a minor or incapable king. There are two arguments against such an identification: firstly, an Imperial freedman is not an "adliger Regent". That should have been a senator, as for example in the case of a king of Thrace (Tac. *Ann.* 2. 67). Secondly, the names are not identical enough to equate the two persons. That is especially valid for names like Aurelius and Aurelianus, which became very common in the late second and third century. For the diffusion of the name Ḥapsay, see *P. Dura* 28.

[69] H.J.W. Drijvers, "A Tomb for the Life of a King: A Recently Discovered Edessene Mosaic with a Portrait of King Abgar the Great", *Le Museon* 95 (1982), 167, cf. J.B. Segal, "A Note on a Mosaic from Edessa", *Syria* 60 (1983), 107.

Where did the power of these imperial freedmen come from? As freedmen they could not command troops or hold an official position in the offices of the Roman state. But they could do something that concerned all the *familia Caesaris* working outside of Rome and Italy: to increase the emperors' revenues. This is the common denominator of all *Augusti liberti* and *servi Caesaris* whom we find in the provinces of the Roman Empire—it makes no difference whether they were working on the staffs of procurators or as administrators of Imperial Estates or quarries or collecting tolls. This had already been the central function of all the members of the great senatorial households of Republican times who worked in the provinces. That such a function as financial agent could give much power even to imperial slaves is known from many sources.[70] Thus, all that we know about members of the *familia Caesaris* working outside Rome and Italy suggests that the central function of the *Augusti liberti* in allied kingdoms was to collect money for the emperor.

Luckily, this is not merely a hypothesis, since we also have direct evidence. Josephus[71] mentions a certain Fabatus, Καίσαρος δοῦλος, who became involved in a quarrel between king Herod of Judaea and Syllaeus, the chief minister of king Aretas of the Nabataeans. After Syllaeus and his king had become alienated, the position of this Syllaeus became highly insecure. Herod of Judaea wanted to use this opportunity to force Syllaeus to pay a fine imposed by Augustus in an older quarrel between Syllaeus and Herod. Syllaeus had for a long time secured the services of this Fabatus by bribing him with huge sums (πολλοῖς χρήμασιν). But Herod succeeded in outbribing him and endeavoured to exact the penalty. When Syllaeus tried to counteract this by accusing Fabatus to Augustus, Fabatus informed Herod of the plans of Syllaeus to murder him. Josephus describes this Fabatus as τὸν Καίσαρος διοικητήν, as the financial "administrator" of Augustus. That this term typical for the administration of Hellenistic monarchies is not only an explanation of Josephus but described the official function of Fabatus becomes clear by a *bon mot* of Syllaeus. He accused Fabatus of being the *dioiketes* not of Augustus, but of Herod.

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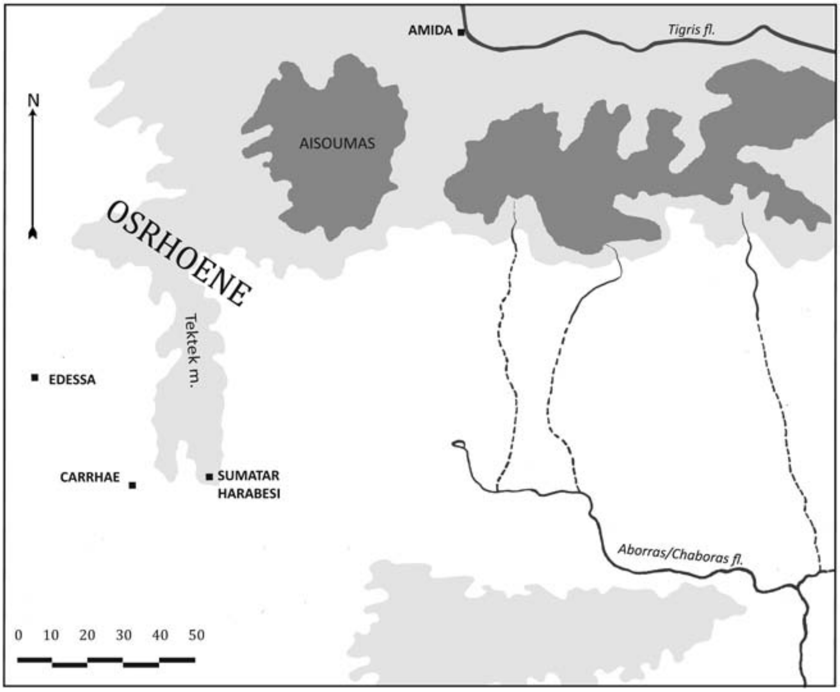
[70] See G. Boulvert, *Domestique et fonctionnaire sous le haut-empire romain* (Annales litteraires de l'Université de Besançon, 151; Centre de recherches d'histoire ancienne, 9; Paris, 1974), 200ff., and for example R. Haensch, "Die Colonia Claudia Ara Agrippinensium—ein typischer Statthaltersitz?" *Kölner Jahrbuch* 32 (1999), 647.

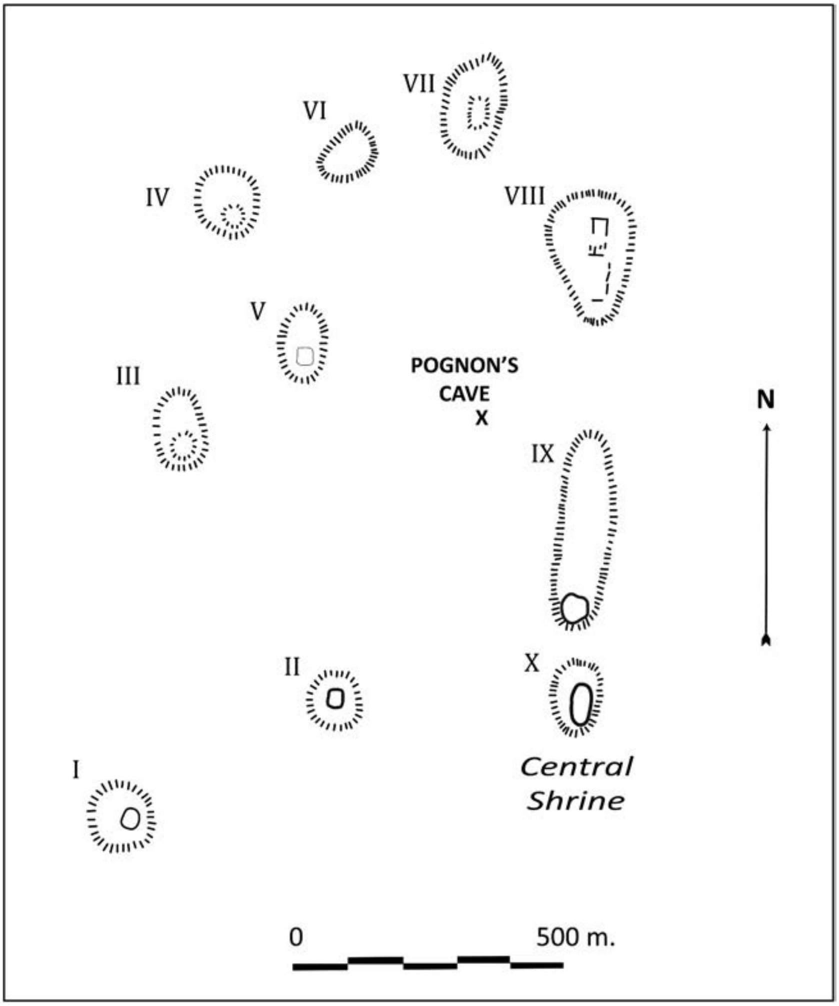
[71] Jos. *BJ* 1. 575, 576; *AJ* 17. 54, 55.

To conclude, we have investigated some elements of the two level sovereignty which according to F. Millar characterized the relations between Rome and allied states in Imperial times. On the one hand, even in the late second century, the relations between an allied state and an important representative of Roman power, a financial procurator with additional military powers, could be cast in the forms of Greek *proxenia*. On the other hand, we find already under Augustus representatives of the emperor at the courts of allied kings. Their central function was to supervise the financial contributions of the allied kings to the (or a) *fiscus Caesaris*. But they were also useful as continually present informants. The fact that these representatives had only the status of imperial slaves or freedmen was at least useful in respect of the delicate nature of the relations between Rome, "his" emperor, and the allied states: as imperial slaves or freedmen, in a strictly formal view, they could never be considered official representatives of the Roman state. But they had in actual reality enough power to look after the interests of the Roman state and the Roman emperor.

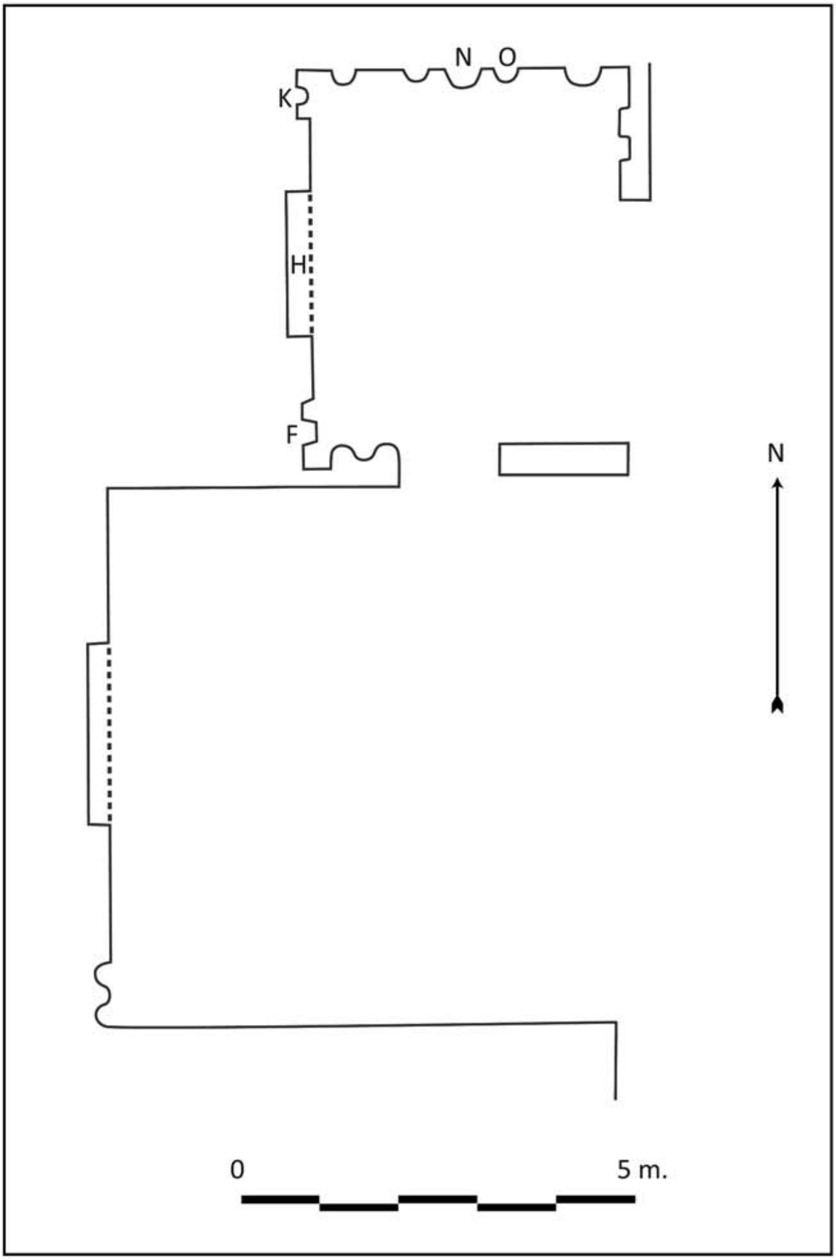
MAPS



Map 1. ʿArab (C. Eilers after Drijvers 1977)



Map 2. Sumatar (C. Eilers after Segal 1953)



Map 3. Pognon's Cave (C. Eilers after Pognon 1907)

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